United Nations A/C.5/63/3

General Assembly

Distr.: General
15 October 2008

Original: English

Sixty-third session
Fifth Committee
Agenda item 123
Human resources management

Views of the staff representatives of the United Nations Secretariat

Note by the Secretary-General

1. The Secretary-General transmits herewith, for consideration by the Fifth Committee, a document submitted pursuant to the provision set out in paragraph 2 (a) of General Assembly resolution 35/213, in which the Assembly reiterated its readiness to receive and consider fully the views of the staff as set out by a single recognized representative of the staff of the United Nations Secretariat in a document submitted through the Secretary-General under the agenda item on human resources management. The staff representative bodies have been unable to agree on a single representative to represent their views. I am therefore transmitting the views of the staff representatives of the United Nations Secretariat, as received by the Executive Office of the Secretary-General for transmission to the Assembly, in the two addenda to the present note.

2. Addendum 1 contains the views of the Staff Council of the United Nations Office at Vienna; the Staff Council of the Economic Commission for Latin America and the Caribbean (Santiago); the Staff Union of the Economic Commission for Africa (Addis Ababa); the Field Staff Union (Brindisi); the Staff Union of the United Nations Office at Nairobi; the Staff Council of the Economic and Social Commission for Asia and the Pacific (Bangkok); the Staff Union of the International Tribunal for the Former Yugoslavia (The Hague); the Staff Council of the United Nations University (Tokyo); the Staff Association of the International Criminal Tribunal for Rwanda (Arusha); and the Kigali Staff Association of the International Criminal Tribunal for Rwanda (Kigali). Addendum 2 contains the views of the United Nations Staff Union at Headquarters (New York); the Field Staff Union (Brindisi); and the Staff Coordinating Council of the United Nations Office at Geneva.

08-55036 (E) 271008

United Nations A/C.5/63/3/Add.1

General Assembly

Distr.: General
15 October 2008

Original: English

Sixty-third session
Fifth Committee
Agenda item 123
Human resources management

Views of the staff representatives of the United Nations Office at Vienna Staff Council (Vienna), the Economic Commission for Latin America and the Caribbean Staff Council (Santiago), the Economic Commission for Africa Staff Union Committee (Addis Ababa), the Field Staff Union (Brindisi), the United Nations Office at Nairobi Staff Union (Nairobi), and the Economic and Social Commission for Asia and the Pacific Staff Council (Bangkok), the International Criminal Tribunal for the Former Yugoslavia Staff Union (The Hague), the United Nations University Staff Council (Tokyo), the Staff Association International Criminal Tribunal for Rwanda (Arusha), and the International Criminal Tribunal for Rwanda-Kigali Staff Association (Kigali)

Contents

		Page
I.	Introduction	3
II.	Organization of work	5
III.	Follow-up on the implementation of SMCC agreements	6
IV.	Institutionalization of staff-management relations and terms of reference of the SMCC	6
V.	Administration of justice issues	8
VI.	Contracts and harmonization of conditions of service	9
VII.	Mobility	10
VIII.	Performance management	11

08-55042 (E) 271008

IX. Staff selection system 12
X. Staff Regulations and Rules 14
XI. Other business 15
XII. Venue of SMCC-XXX 16
XIII. Adoption of the report of SMCC-XXIX 16

Report

XXIXth session of the Staff-Management Coordination Committee

Held in New York
23-30 June 2008

I. Introduction

1. The twenty-ninth session of the Staff-Management Coordination Committee (SMCC) took place from 23 to 30 June 2008 in New York.

2. On 19 June 2008, a one-day communications skills workshop for staff representatives was held. The workshop was facilitated by Communications Specialist Gerard Sagar. The workshop served as a refresher course in communications with emphasis on planning and organizing as well as negotiation techniques. The workshop was conducted on the first day of the two-day preparatory sessions that were held separately among staff and management, on 19 and 20 June 2008.

3. The President of SMCC-XXIX, Dieter Goethel, formally opened the session on 23 June 2008, with the Secretary-General in attendance. The President warmly welcomed the Secretary-General, senior staff of his office, and members of the Committee. He stated that SMCC was at a crossroad as the process had been questioned by some of its members, namely, New York and Geneva staff representatives, who were absent from the session. He also noted that the reason for the absence of the Economic and Social Commission for Western Asia and the United Nations High Commissioner for Refugees staff representatives was due solely to their lack of elected officials. He highlighted the fact that the absence of New York and Geneva made it critical that the current SMCC address the issue of the institutionalization of staff-management relations, which was one of the agenda items to be discussed during the twenty-ninth session. The President noted, however, that these problems should not overshadow the useful work the Committee had been doing in the areas such as management reform and internal justice. The President then invited the Secretary-General to address the SMCC.

4. The Secretary-General expressed his deep appreciation for the presence of staff representatives from the various duty stations around the world. At the same time, he expressed his disappointment at the current state of staff-management relations, highlighted by the absence of staff representatives of the New York and Geneva staff unions. He addressed members of the SMCC and shared with them his concerns about the current lack of harmonious relations among some staff unions and management. He expressed his desire to review and strengthen staff-management relations, so as to arrive at a meaningful dialogue. Acknowledging that the SMCC may be far from perfect, he also reminded members that it was currently the only formal mechanism in place. He said the time had come to take a fresh and honest look at what could be done to improve the current situation. He acknowledged that the organization could benefit from an expert review, but explained that there was no time to wait for the outcome of a lengthy study before acting. He asked members to act now, especially with new leadership in place in the Department of Management (the Under-Secretary-General), including the Office of

Human Resources Management (the Assistant Secretary-General), who were keen to listen to the staff, and he asked members to be creative and proactive and not shy away from positive, constructive ideas. He requested that both management and staff in SMCC-XXIX immediately undertake a review of the current mechanism so as to come up with recommendations to be submitted to him, which would bring back the absent staff union bodies representing large constituencies.

5. A copy of the statement of the Secretary-General is available in the Secretariat upon request. In attendance with the Secretary-General were several of his senior staff, including the Chef de Cabinet, the Deputy Chef de Cabinet, the Under-Secretary-General for Management, the Assistant Secretaries-General for Human Resources Management, Field Support, Programme Planning, Budget and Accounts and the Capital Master Plan.

6. Following the statement of the Secretary-General, the Vice-President of SMCC-XXVIII, Paulina Analena, expressed her appreciation on behalf of the staff representatives for the presence of the Secretary-General. She noted that, since the return of most of the SMCC members to the table in 2006, significant progress had been made in many areas, including major advances towards changing the internal system of administration of justice. She expressed particular thanks to Alicia Barcena, for her active role in SMCC during her tenure as Under-Secretary-General for Management. She also applauded Mr. Goethel for his excellent job as SMCC President, and for his consistent neutrality, competence and professionalism. On the other hand, she noted the erosion of staff rights and benefits, and the unprecedented attacks on United Nations personnel, with far too many staff members having been killed. She also noted uncertainties over the current mobility scheme, particularly for long-serving staff. She took the opportunity to ask the Secretary-General three questions: (1) whether he was willing to delegate responsibility to his senior managers to reach binding agreements with staff at SMCC; (2) whether he had any thoughts on what could be done to address the significant decline in purchasing power of staff salaries, pension and value of other benefits; and (3) whether he was going to make public the report of the Independent Panel established as a result of the Algiers bombing of 11 December 2007, and if he was contemplating any steps to be taken as a result thereof. The Vice-President's statement is available in the Secretariat upon request.

7. In his response, the Secretary-General confirmed that he intended to continue the consistent practice of delegating whatever powers were needed to the Under-Secretary-General for Management and the Assistant Secretary-General for Human Resources Management. However, he noted that even the Secretary-General could not decide on many issues independently, and that he needed to consult Member States through established, time-consuming channels. On the issue of staff salaries and their purchasing power, he acknowledged the serious nature of that matter, indicating that he was unable to act on it immediately, confirming, however, that the International Civil Service Commission was currently reviewing it and that he also had discussed the issue with key contributing Member States. Finally, on the issue of safety and security of staff and premises, the Secretary-General confirmed that he had received the Brahimi report on 9 June, and that it would be released shortly, with some editorial changes. He had already acted on one of the recommendations: the establishment of an accountability panel that would start its work immediately and look into individual responsibilities relating to the Algiers bombing. He added

that the primary purpose of that exercise was to strengthen the sense of accountability he had been promoting since his appointment as Secretary-General.

8. The President of SMCC thanked the Secretary-General for his statement and announced that, given other pressing engagements, the Secretary-General would need to leave at that stage.

9. The President of SMCC made a few announcements, including acknowledging the creation of the SMCC QuickPlace as a useful tool for the sharing of documents and information at the current session of the SMCC.

10. The President sought nominations for the Office of Vice-President of the SMCC. The staff nominated Paulina Analena, Vice-President of the United Nations Staff Union, Vienna, to be Vice-President of SMCC-XXIX, in accordance with Secretary-General's bulletin ST/SGB/2002/15. After her nomination had been duly seconded, the President declared her elected and congratulated her, acknowledging the assistance which she had provided during the course of the year, for which he extended his heartfelt thanks. The Vice-President of SMCC-XXVIII then made a statement. She thanked the Committee for the confidence it had placed in her and noted that it was a privilege for her Council and herself to serve the Committee. She also stated that staff and management had made excellent progress in pursuing matters of common interest over the past year.

II. Organization of work

11. At its first meeting, the Committee adopted the agenda of SMCC-XXIX. The Committee decided to retain all agenda items originally proposed, except the item on other human resources issues emanating from the Deputy Secretary-General's Task Force and subsequent Secretary-General's proposals in the area of human resources management. Based on a recommendation from the President, the Committee also agreed to add one item under "Other business", relating to issues emanating from the devaluation of the dollar and its impact on the purchasing power of staff salaries, pensions and the overall issue of the erosion of certain benefits. It was noted that issues relating to rising fuel costs globally and its associated impact on the welfare of staff at large were also related.

12. Subsequently, the President of SMCC confirmed that representatives of the ICSC, the United Nations Joint Staff Pension Board, the Office of the Ombudsman and the Office of Internal Oversight Services had agreed to meet with members of SMCC-XXIX, in the course of the week, and to make presentations relative to their respective offices. That was very much welcomed by the SMCC membership, and scheduled for the morning of 26 June 2008.

13. The list of documents made available at the session is available in the Secretariat upon request, as is the list of participants of SMCC-XXIX. Following a suggestion made by the President, the SMCC decided to adopt an informal approach allowing interventions from all participants in order to maximize contributions from the entire membership of the SMCC. Given the heavy agenda of the current session, the President further requested that, during the proceedings, members limit their interventions to making concrete, succinct comments, observations and/or suggestions.

14. It was agreed that, since the Contact Group on Administration of Justice would continue its work following the current session, there would be no need to convene in-session. Similarly, following discussions on the topic of contracts and harmonization of conditions of service, it was concluded that there was no need to establish an intrasessional working group on the issue. However, as highlighted below, a 4+4 Working Group on the Institutionalization of Staff-Management Relations was established and conducted a full-day working session during the week.

III. Follow-up on the implementation of SMCC agreements

15. The Chair of the 2+2 Contact Group, comprising two staff representatives from the Field Staff Union and the United Nations Office at Geneva, and two management representatives from the United Nations Office at Geneva and the International Criminal Tribunal for the Former Yugoslavia, presented the subject matter. He explained, inter alia, that, as agreed at SMCC-XXVIII, held in Nicosia, more detail had been incorporated in the progress reports to include anticipated actions and time frames. In the transmittal document to the President of SMCC-XXIX, the Working Group made specific recommendations for future monitoring and reporting on SMCC agreements. First, it was recommended that in the future, the list of implemented actions should always reference the specific session number during which those recommendations were approved. Second, when drafting recommendations, they should clearly specify the designated action office and anticipated time frame.

16. The Working Group provided two tables for review by SMCC-XXIX. Table I contained a list of all actions which were outstanding following SMCC-XXVIII. The Working Group highlighted all of those actions which it considered had been fully implemented. Table II contained a list of only those items which had not been completed. The Working Group recommended that it would serve as the basis for subsequent follow-up. The Committee did not object to the proposal and the President confirmed therefore that table II would be the one to proceed with as the basic document for review by SMCC-XXX, in verifying the status of implementation of prior SMCC agreements. The President concluded discussion on this agenda item by thanking the members of the Contact Group for their continuing support in this area.

IV. Institutionalization of staff-management relations and terms of reference of the SMCC

17. The President presented the item for discussion, including the report of the Intersessional Working Group (SMCC-XXIX/2008/5) and working papers submitted by the International Criminal Tribunal for the Former Yugoslavia (SMCC-XXIX/2008/12 and Field Staff Union SMCC-XXIX/2008/14). The Committee recognized some important outcomes of the Intersessional Working Group on Institutionalization of Staff-Management Relations, including a proposed change of procedures in making the SMCC an ongoing process rather than one-time-a-year event. However, the Committee noted that critical issues, such as the lack of a mechanism for negotiation and binding agreement, membership of SMCC and the

definition of secretariat, and funding, need to be resolved, in order to prepare terms of reference for SMCC.

18. In particular, staff representatives suggested that they would rely on management's commitment to agree to change the current forum so as to invoke a mechanism for effective negotiations, since the Secretary-General had made it clear in his opening remarks that harmonious relations between staff and management should be dealt with now, and that he was ready to empower the management team to increase their ability to negotiate. Staff also stated that agreements reached at SMCC should be "binding" and that there would be "enforceability" of the binding nature of those agreements. Management stated that without specifically mentioning "negotiations", de facto negotiations had governed the procedures applied by the Committee since it resumed its functioning in 2006. Management further stressed that both parties had worked and continued to work towards reaching consensus on issues of major importance to the staff globally. Following consultations with senior management, including the Secretary-General, management submitted a proposal, at the start of the second day, outlining agreement with the concept of negotiation as a mechanism to reach consensus during SMCC deliberations.

19. The President suggested that a 4+4 working group consisting of staff and management be established in order to discuss details on the proposal submitted by management. The 4+4 Working Group was tasked with developing a framework and delineating the principles which would serve as the basis for the terms of reference for the new staff-management mechanism and requested to consult with those unions who were not present.

20. The Working Group worked separately from the plenary Committee on this matter. During these discussions, the Working Group considered the views expressed in the Intersessional Working Group paper and the papers submitted by the International Criminal Tribunal for the Former Yugoslavia and the Field Staff Union. The Working Group also took into account informal views from those members who were not present in negotiating and preparing the draft framework. The Working Group submitted to the Committee a revised proposal for further discussions. The management team reviewed the proposal with its senior leadership and made some editorial changes, and the revised proposal was then submitted at the plenary meeting on 26 June to serve as the basis for further discussions.

21. Further discussions were then conducted out of plenary meeting with a modified 4+4 Working Group. The Working Group submitted at the plenary meeting the draft framework agreement, on the evening of 27 June, and with one minor change relating to a subsequent study, the agreement was adopted by the plenary Committee (text available in the Secretariat upon request). Based on the Framework Agreement, the Working Group prepared a draft Secretary-General's bulletin over the weekend and submitted it at the plenary meeting on 30 June. The Committee approved the text of the draft Secretary-General's bulletin (the text is available in the Secretariat upon request) and agreed that further consultation was necessary with member unions who were not present at the current session prior to submission to the Secretary-General in accordance with the established practice.

22. The Committee agreed that the issue of the participation of alternates for associate members will be discussed at the first session of the new Staff-Management Committee (SMC). Noting that the framework agreement and the Secretary-General's bulletin can be effective only if accompanied by an extensive

administrative instruction, the Committee agreed that the following issues should be addressed in the administrative instruction:

1. Modalities for electing the president of SMC;
2. Modalities to address the non-implementation of agreements;
3. The application of expertise in labour-management relations;
4. Modalities for effective participation of staff and management in the SMC process;
5. The development of rules of procedure for SMC, including (special) sessions and working groups;
6. Modalities for reaching consensus;
7. Terms of determining venues and rotation.

The Committee noted that this list is not exhaustive.

V. Administration of justice issues

23. Assisted by videoconferencing, which allowed the participation of one member of the Contact Group and two additional advisers, who could not be present at the SMCC session, the Committee noted that staff and management had worked closely through the Contact Group on Administration of Justice on many issues relating to the implementation of the decisions of the General Assembly contained in resolutions 61/261 and 62/228, including the submission of nominations for members of the Internal Justice Council, the vacancy announcements for the Executive Director of the Office of Administration of Justice and for the Chief of the Office of Staff Legal Assistance. The Contact Group had also discussed the draft reports of the Secretary-General to the Sixth Committee (A/62/748 and Corr.1) and the Fifth Committee (A/62/782). SMCC further noted that much remained to be done prior to the introduction of the new system in January 2009, and that the work would continue through the Contact Group.

24. Reaffirming the continued need for the Contact Group to pursue the various issues, SMCC agreed that the Contact Group would meet via videoconference before 15 July 2008 to plan its work for the remainder of the year. This would include issues relating to:

1. The Secretary-General's response to the General Assembly's request in paragraph 49 of resolution 62/228 for more information on delegation of authority in disciplinary matters, noting that the response had to be submitted by the end of July;
2. The training programme and information campaign on the new system allowing for the inclusion of due regard for local aspects when delivering such programmes (resolution 61/261);
3. The code of conduct for legal practitioners in the new system (ibid.);
4. Any other matter relating to implementation of the new system that requires staff input.

VI. Contracts and harmonization of conditions of service

25. Management introduced this item, highlighting that the issue of streamlining of contracts had been put forward, again, since Member States had requested that the Secretariat submit two documents to the General Assembly for consideration at its 2008 fall session, one on changes to the Staff Regulations and Rules, and one on contracts. Regarding the changes to the Staff Regulations and Rules, management had prepared a comparative table for ease of reference. Management clarified that the full draft text of the new set of Staff Rules would be finalized after SMCC-XXIX and circulated for comments. Regarding the streamlining of contracts, management clarified some of the concerns that had been expressed by the Advisory Committee on Administrative and Budgetary Questions and the General Assembly in its review, indicating that the Committee's deliberations would need to focus on finding middle ground on some of the more contentious issues.

26. Following deliberations, the Staff strongly reaffirmed its support for the proposals made by Management which followed agreements at previous SMCCs:

1. Temporary appointments:

The Committee agreed with the proposal that temporary appointments would be used for periods up to one year, with, under specific circumstances, the possibility for extension beyond one year, but no longer than for a total of two years.

2. Fixed-term appointments:

(a) The Committee agreed with the proposal that fixed-term appointments would be granted for an initial period of one year or more, with renewal or extension for up to five years.

(b) The Committee also agreed with the proposal of the Secretary-General that contracts of international staff serving in United Nations peace operations would no longer carry a limitation to service with a specific mission.

(c) Regarding extension beyond five years, the Committee reaffirmed its agreement with the proposal.

(d) Regarding the issue of an end-of-service grant, the Committee strongly reaffirmed its agreement and recommended that the Secretary-General ask the International Civil Service Commission and the General Assembly to give serious and immediate consideration to this matter.

3. Continuing appointments:

(a) Management indicated that during Advisory Committee on Administrative and Budgetary Questions and General Assembly deliberations they maintained the position that had been agreed to at SMCC-XXVII in Nicosia, i.e., that a ceiling on the number of conversions to continuing appointments would not be sound management practice, and therefore not acceptable from a staff-management perspective, but Member States had indicated that it was nevertheless necessary to have such a ceiling. Staff confirmed strong opposition to the intention of Member States to apply a ceiling to the number of conversions to continued appointments. Staff

representatives noted the established practice of national civil servants being granted permanent appointment status after a probationary period. Staff also noted that provisions for downsizing in response to budget reductions or strategic changes in staffing levels were already incorporated into the proposed contractual arrangements. In taking this position, the Committee agreed to maintain its position that it could not support the application of a ceiling.

(b) Regarding eligibility for conversion, the Committee agreed with the proposals of the Secretary-General to include staff who work on projects or entities with finite mandates as well as locally recruited staff whose services continue to be needed beyond five years and who meet eligibility requirements for consideration for continuing appointments.

(c) With regard to the procedures proposed for consideration for conversion, the Committee agreed to the establishment of a rigorous review mechanism that would cover performance as well as continuing need and other relevant criteria, including the ones that had been reviewed by SMCC-XXVIII.

(d) The Committee reaffirmed its agreement with the proposal of the Secretary-General that, consistent with proposals covering all other staff, those staff recruited through national competitive examinations should also be considered for continuing appointments after five years of service. The staff emphasized that in the interest of equitable treatment of all staff members, the mode of recruitment should not determine the type of appointment offered.

(e) The Committee was in agreement with the Secretary-General's interpretation of the applicability of termination "in the interest of the Organization", as contained in document SMCC-XXIX/2008/10, including also the review process as well as the rights of the individual to contest the decision.

VII. Mobility

27. Management introduced the topic of mobility by submitting papers SMCC-XXIX/2008/3 and SMCC-XXIX/2008/6 to the Committee.

28. From the Intersessional Working Group on Mobility (SMCC-XXIX/2008/3), it transpired that there was no contention between staff and management on the broad concept of mobility, as expressed in General Assembly resolution 55/258, section V, Mobility. There was general agreement that mobility would contribute to both strengthening the Organization and the skills sets of staff members, but there were diverging views on the success of the managed mobility programme, on the mechanisms used to implement the programme, and on the need to treat all categories of staff equally in the process (where resolution 55/258 specified a process at the Professional and higher levels). On the latter, staff were of the opinion that mobility for locally recruited staff should be strictly voluntary, and be looked at primarily in the context of individual skills development. The Working Group had identified many areas that required further clarification and/or review in determining the way forward, including the outcome of deliberations at the General Assembly on related human resources matters, such as the harmonization of contracts. As such, the Working Group had concluded that there would be a need to

continue its work, including the possibility of launching a survey, short but targeted, to collect views of the staff once the first round of managed mobility is completed.

29. The annual report on mobility (SMCC-XXIX/2008/6) highlighted that there had been considerable movement of staff between and within departments, but far less movement between duty stations (geographic mobility). It was felt that, for the latter, certain issues such as spouse employment, the effective transfer of knowledge, work/life issues, hardship and lack of financial incentives continued to pose impediments to the successful implementation of the programme, and that any further mobility would be dependent on the successful resolution of some of those issues. Nevertheless, management considered that the first round of managed mobility would need to be completed, in an attempt to be consistent in the treatment of all staff, before a review and possible decision on the future of the mobility programme would be reached.

30. During the ensuing discussions, staff representatives highlighted the importance of adjusting the mobility programme to provide for better incentives to the staff, with an increased emphasis on geographic mobility. They also stressed that for locally recruited staff, mobility should be more focused on personal skills and career development. The Committee emphasized the need for training as a requirement for improving performance management and took note with regret of the recent reduction in training funds.

31. In concluding its deliberations, the Committee agreed with the continuation of the current managed mobility programme, i.e., the staff at the D-1, D-2 and P-5 and General Service-5 levels. After completion of that first round, the Committee proposed that the managed mobility programme be suspended, and that a review be undertaken to adjust the programme to incorporate lessons learned. Such a review could include, inter alia, a (short) survey to capture the experiences and views of the staff. In the meantime, the Committee also agreed that the Intersessional Working Group on Mobility would continue its work, and report back at SMCC-XXX.

VIII. Performance management

32. Management introduced the topic by presenting papers SMCC-XXIX/2008/4 and SMCC-XXIX/2008/7 to the Committee.

33. In their discussions, there was broad agreement among staff and management on a number of issues, including, but not limited to, (a) ongoing difficulties with the current rating system, entailing differing ratings distributions among departments and offices; (b) difficulties in accessing the ePAS electronic tool; (c) the need to provide adequate, additional mandatory training to staff and management in order to ensure better application of the performance management mechanism; and (d) the need to hold managers and staff accountable for accurate ePAS compliance, etc.

34. On the basis of the discussions, the Committee agreed to establish a small 1+1 Intrasessional Working Group. The Group met on 25 June 2008, on the basis of which a report was produced (text available in the Secretariat upon request).

35. Following the discussion, the Committee agreed that the Intersessional Working Group on Performance Management should continue its work and present a comprehensive proposal on a new ePAS at the next SMCC. In this context,

particular attention would be paid to ensuring more rigour in applying performance management.

36. Management informed the Committee that, in the meantime, it would continue ongoing work aimed at improving the current ePAS tool, and that feedback received from the staff would feed into this work, including strengthening access for local administrations, reporting, monitoring, etc. Management also announced that an administrative instruction on better compliance would be issued soon.

IX. Staff selection system

37. Management introduced the topic by presenting document SMCC-XXIX/2008/9 on staffing.

38. Management informed the Committee that, as part of its efforts to transform the staff selection system, a new talent management system was being developed to replace Galaxy, with the software provider to be selected shortly. In addition, an Outreach Unit was being established within the Office of Human Resources Management that would proactively support managers in identifying potential candidates for their vacancies. Management furthermore noted that, despite progress made in many areas governing staff selection, dating back to agreements reached at SMCC-XXVII in 2006, several issues were pending review and agreement, to be reached at the current session of SMCC, in order to be able to successfully transform the staff selection system. These included the need for simplification and streamlining in the creation of vacancies and in establishing eligibility criteria, the continued endorsement of a roster-based selection system, the need for outreach efforts to meet geography and gender targets, the process of filling P-2 posts, and the requirement to strengthen the accountability framework.

39. Staff reiterated that staff at large have expressed concern about the integrity of the staff selection system. Despite some improvements in the system, staff expressed concern about the role of the central review bodies and the limited presence of checks and balances in the system.

40. Staff and management agreed that measures should be taken to ensure the consistent implementation of the administrative procedures across the system. The use of best practices and the provision of training on that basis to all duty stations was important. Management committed itself to implement additional training.

41. SMCC agreed that there should be more transparency in the process by providing staff with more feedback on their application and status, including those who are being rostered.

42. In line with the request for more transparency and accountability, staff representatives suggested that they be allowed to sit in interview sessions as observers to ensure fairness and transparency of the process, similar to the role performed by gender focal points.

43. The Committee discussed the various recommendations presented to them for review. The Committee agreed to the following:

1. Roster-based selection system:

Management explained that given a very high vacancy rate anticipated for the coming years, in large part due to natural attrition, an active roster system would go a long way in supporting the identification of suitable candidates. This, combined with greater use of generic job profiles, would accelerate the placement of staff. Staff indicated that there was less concern regarding the use of a strengthened roster system than with the current functioning of the central review body. However, staff pointed out that in order to make the roster system more transparent and effective, it was necessary to provide rostered candidate feedback on their status. Taking into account these comments, the Committee agreed to the recommendations for roster-based selection.

2. Eligibility rules:

The Committee agreed to eliminate the complex eligibility rules (15/30/60-day time-marks) with the understanding that internal candidates would be identified to managers to ensure they were given full and fair consideration in accordance with staff regulation 4.4.

3. Streamlining the creation of vacancy announcements:

Staff expressed concern that it was not easy to navigate through vacancy announcements. Management subscribed to this concern and would seek to address the matter under the new talent management system, which would have features that are currently not available on Galaxy.

The Committee noted the intention of management to use more generic vacancy announcements and to merge the announcement with the evaluation criteria, which were currently two separate documents. The Committee agreed that as long as the Office of Human Resources Management ensured that programme managers comply with the criteria established in Office of Human Resources Management standards and in the generic job profiles, the merged vacancy announcement/evaluation criteria would not require a review by central review bodies before they are issued.

4. Membership of central review bodies:

There was considerable discussion on the role and functioning of the central review bodies. Staff representatives indicated there was apprehension about the usefulness of the central review bodies process, since there was a strong perception that they merely acted as a rubber stamping mechanism. Management explained that, from their side, they considered that the central review bodies were very diligent in executing their responsibilities with, at times, perhaps overly zealous attempts to challenge managers in reviewing candidates. Staff explored the possibility of using central review bodies to provide feedback to non-successful candidates, which led management to clarify that the central review bodies were neither mandated, nor equipped, to do so.

The Committee noted the intention of management to increase the central review body membership and possibly eliminate term limits for select duty stations.

The Committee also agreed that to ensure more consistent application, the Office of Human Resources Management would collect best practices within the Secretariat and issue rules and procedures and guidelines.

5. Geography and gender targets:

Following considerable discussion on the topic, the Committee noted the outreach activities to be pursued in identifying candidates, particularly from unrepresented and underrepresented Member States and the intention to apply stricter targets for female representation on shortlists to be prepared for interviews.

6. P-2 posts:

The Committee took note of the proposed system for the filling of P-2 vacancies.

7. Accountability:

Staff representatives reiterated earlier concerns that accountability of managers needs to be strengthened, including in staff selection. The Committee welcomed the continuing efforts of the Secretary-General to strengthen accountability, including his intention to intervene and stop a process if established requirements are not satisfied.

8. Feedback:

It was agreed that a communication would be issued to all Programme Case Officers, reminding them to provide feedback to non-successful candidates as a career development tool.

X. Staff Regulations and Rules

44. Management presented a comparison table to SMCC-XXIX which included the 100, 200 and 300 series Staff Rules in a single table format in order to facilitate further review and future discussion once the new set of revised Staff Rules has been prepared and circulated. The Committee considered proposals for the new contractual arrangements, including the conditions of service for temporary appointments, the current short-term contracts and the new temporary appointments. The Committee noted that as an example, staff with temporary appointments of less than six months would no longer be eligible for paternity leave. In that connection, the Committee agreed, however, that paternity leave should be granted to those staff whose appointments are extended for at least six months. The Committee noted that the Office of Human Resources Management will submit the proposed text of the new set of staff rules in due course with a clear indication of changes.

XI. Other business

Briefings by the ICSC, UNJSPF, Office of the Ombudsman and the Office of Internal Oversight Services

45. As described in the organization of work, presentations were made to the SMCC from each office and provided in a discussion and question and answer period with SMCC participants.

1. The ICSC Chairman and Vice-Chairman addressed the Committee and presented an overview of current issues and time frames being addressed by the Commission.

Staff stated that the reason for discussing the issue of loss of purchasing power and erosion of benefits in the context of SMCC was that the reform of the United Nations, particularly in the area of human resources, had increased the responsibility of staff in many areas. Staff felt that the increased responsibility needed to be matched by the offer of incentives in the form of payment and benefits. Staff expressed concern about the loss of purchasing power and the erosion of the current benefit system. In particular, the methodologies being used for the determination of local salaries and post adjustment needed to be improved to be able to capture changes in the living conditions and salaries. Of particular concern was the situation of staff serving in field missions. Also, concern was expressed about the review of the methodology for the determination of the education grant. Staff stated that any improvement of the methodology should not penalize staff and reduce the benefit granted under the current scheme. Staff also questioned the continued use of the salary scale of the United States civil service as a comparator. All this was having an impact on the capacity of the United Nations to attract qualified staff.

2. The representatives from the United Nations Joint Staff Pension Fund presented a PowerPoint presentation on its report on the impact of currency fluctuations on UNJSPF pension benefits, which will be submitted at the upcoming Pension Board meeting in July 2008. They then fielded questions. A copy of their presentation is available in the Secretariat upon request.

Staff expressed their concern about the future of the pensions. The value of the pensions paid in euros and in other currencies was affected by the decreasing value of the United States dollar. It was necessary to provide better information to staff to allow them to understand the characteristics of the pension system. In addition, staff asked the Pension Fund to continue providing advice to the Pension Board on opportune solutions to address the uncertainty caused by currency fluctuations.

3. The Ombudsman gave a presentation on the current functions of the Office of the Ombudsman, including the status of the vacancy announcements for the regional ombudsmen.

4. Michael Dudley, Deputy Director, Investigations Division, took questions from participants. In response to the questions concerning staff participation in the Office of Internal Oversight Services development of an integrated system of processes and unified rules of procedure and its review of its Manual of Investigations, Mr. Dudley advised that the Office of Internal Oversight Services would take into consideration in the Manual, any comments from

staff representatives and/or other staff when the Manual is issued. As the Manual would be issued electronically and is intended to be updated regularly, adjustments to the Manual could easily be made. In addition, Mr. Dudley stated that he was willing to set aside places in the investigations training programme for staff representatives.

Composition of the Contact Group for Implementation of Prior Agreements

46. It was decided that management would continue to be represented by Geneva and the International Criminal Tribunal for the Former Yugoslavia and staff would be represented by Vienna and the Field Staff Union.

Staff-funded legal defence

47. Concerning resolution 62/228 in which the General Assembly requested additional information relating to any proposal for a staff-funded scheme for legal assistance to staff, the staff representatives expressed their concerns and doubts regarding the appropriateness and viability of such an approach. Staff stated that by joining the United Nations system, they were losing their rights to pursue labour-related disputes according to their national legislation. In many national jurisdictions, those rights included access to legal representation. Therefore, staff reiterated their opinion that within the new system of internal justice for the United Nations, legal representation should be provided for and funded. In addition to that funded system, pro bono volunteer staff representation may be contemplated potentially by law school students, or other legal expertise.

International Criminal Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda

48. The International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda staff representatives requested bilateral discussions with the Office of Human Resources Management following up on previously submitted documents on the future of the staff of the two Tribunals. This was agreed by the Assistant Secretary-General for Human Resources Management.

XII. Venue of SMCC-XXX

49. SMCC concurred that the next venue of SMCC should be at a site other than United Nations Headquarters in accordance with the established rule. This will be decided at a later date.

50. The management leadership offered that the next SMCC may be brought forward and ideally it may be more appropriate to hold the next session in April 2009. This would allow for an earlier session, yet be able to take into consideration any decisions of the General Assembly which occur during the first resumed session.

XIII. Adoption of the report of SMCC-XXIX

51. SMCC adopted its report, together with four annexes, on its twenty-ninth session for submission to the Secretary-General.

United Nations A/C.5/63/3/Add.2

General Assembly

Distr.: General
15 October 2008

Original: English

Sixty-third session
Fifth Committee
Agenda item 123
Human resources management

Views of the staff representatives of the United Nations Secretariat: Staff Union (New York), Field Staff Union (Brindisi) and Staff Coordinating Council (United Nations Office at Geneva)

Addendum

Summary

The present report provides views expressed by the staff representatives of the United Nations Staff Union (New York), the Field Staff Union (Brindisi) and the Staff Coordinating Council (United Nations Office at Geneva) on the reform proposals outlined in the reports of the Secretary-General entitled "Detailed proposals for streamlining United Nations contractual arrangements" (A/62/274); "Measures taken to address seven systemic human resources issues raised in the context of the reform of the internal system of administration of justice" (A/63/132); and "Recruitment and staffing in the United Nations: strategy going forward" (A/63/285). The views of other staff representatives of the Secretariat are reflected in the report of the Staff-Management Coordination Committee on its twenty-ninth session.

This report offers a comprehensive assessment of the current human resources framework within the United Nations Secretariat. It outlines the major impediments to, and shortcomings of, human resources management and development.

It formulates specific recommendations on human resources issues, including a unified workforce structure; recruitment, especially of senior officials; career mapping; training and career development; performance management; staff exchange; succession planning; gender and geographical distribution; contractual arrangements and harmonization of conditions of service; salaries, benefits and entitlements; and staff-management relations.

08-55048 (E) 271008

A treatise on previous proposals of the Secretary-General is annexed to this document. The contents of the treatise, prepared in 2006, address proposals contained in the reports of the Secretary-General entitled "Investing in the United Nations: for a stronger Organization worldwide" (A/60/692 and Corr.1); "Investing in people" (A/61/255); and "Human resources management reform (A/61/228 and Corr.1). The annex also contains views that should have been presented to the General Assembly at its sixty-first session, but whose presentation was precluded by the then Assistant Secretary-General of the Office of Human Resources Management. Those views are still valid.

Contents

Chapter		Paragraphs	Page
I.	Introduction		5
II.	State of the current human resources framework		7
	Appointment to senior positions		10
	Career mapping and development		11
	Limited resources for training and information technology		11
	Performance appraisal system		12
	Retention of imminent retirees and use of consultants and retirees		13
	Archaic workforce structure		13
	Lack of clear policies		15
	Mobility scheme		16
	Succession planning		19
	Impact of staff unions and associations on human resources management practices		19
III.	Unattractiveness of current human resources framework		20
	Short-term appointments		20
	Salary scales, benefits and entitlements		22
IV.	Proposals of the Secretary-General		22
	Contractual appointments		24
	Changing staff regulations and rules		25
	Streamlining contracts under one set of staff rules		25
	New talent management framework and roster-based staffing process		26
	Mobility		27
	Human resources management and the new system of administration of justice		28
V.	Recommendations		33
	Establish a redesign panel on human resources management and development		33
	Reactivate conversion to a permanent contract		33
	Review the role of central review bodies		33
	Transparent merit-based recruitment process		34
	Checks and balances in performance management		34
	New unified workforce structure		35
	Increase the age at retirement		35
	Staff exchange programme		36
	Staff recognition and motivation		36

Harmonizing conditions of service 37
Selection of senior officials is crucial 37
Review staff-management relations 37
VI. Conclusion 38
Annex
Views of the staff representatives of the United Nations Secretariat 39

I. Introduction

1. The international civil service is the force behind all United Nations activities around the world. The ubiquity of the United Nations and its activities has been largely the result of the willingness of its staff, who constitute 80 per cent of the Organization's resources, to relocate themselves to foreign countries in the service of the Organization. Now, more than ever before, the United Nations is being called upon to address challenges that could not have been envisioned at the time of its founding. Its ability to deploy talent able to effectively engage these challenges is fundamentally influenced by the policies and structures employed to attract staff and develop their capacity to adapt to meeting those challenges. Yet, human resources management and development at the United Nations are in a state of flux, and are fragmented and incoherent. A confluence of factors, some historical, others structural and political, have come to account for the current state of affairs.

2. The major impediments to, and shortcomings of, human resources management and development are: (a) limited resources available to the Office of Human Resources Management; (b) delegation of authority to perform human resources management functions without attendant training and accountability; (c) diffused performance of human resources functions, with the many layers of human management functions obstructing accountability; (d) political considerations and lack of transparency in the appointment of senior staff even when they have had little or no leadership or managerial experience in working in a complex, multicultural environment before joining the Organization; (e) inconsistency of policies and guidelines and sometimes a lack of clear policies and guidelines; (f) variability in application of policies and guidelines; and (g) the absence of an effective checks-and-balances mechanism in the context of a dysfunctional internal justice system; a weakened role of the central review bodies and other staff-management bodies; and cowed or overawed staff representatives.

3. These factors have combined to erode the integrity of the international civil service and to render the United Nations less inviting for professionals from competing national civil services. The erosion of the integrity of the international civil service is epitomized by the preponderance of short-leash, short-term appointments; subjection of a person's career to individual supervisors; usurpation of rights, with limited or no recourse for adjudication; limited career development; and perpetual vacancy rates in some duty stations and field missions.

4. It is difficult to measure the cost to the Organization of the misalignment of the aspirations and objectives of the staff members with those of the Organization. Nonetheless, two things are bound to happen when there is a mismatch between the individual and the Organization: either the individual exploits the Organization, or the Organization exploits the individual. Or both forms of exploitation may occur simultaneously.

5. Part of our brief is to ensure that the Organization does not exploit the staff and, as a corollary, that the staff are not placed in a position to exploit the Organization. In the first part of this report, staff representatives take stock in this regard of the state of the current human resources framework, which we find broken and in need of immediate redesign.

6. In the second part, staff representatives consider select proposals of the Secretary-General. The proposal to introduce continuing contracts as replacements

for permanent contracts is at odds with the principles embodied in Articles 100 and 101 of the Charter of the United Nations. It compromises four fundamental principles constituting the foundation of the international civil service: integrity, loyalty, independence and impartiality.

7. The proposal to introduce continuing contracts is accompanied by the intention of management to change the Staff Rules so that staff may be released "in the interests of the Organization". Staff representatives find this wholly undefined rationale for discontinuing one's service to be wide open to abuse by a management that has a track record of abuse. Staff representatives strongly urge the General Assembly to resist any attempt to change the Staff Rules until the current human resources framework is redesigned.

8. Staff representatives agree with the Secretary-General that the conditions of service need to be harmonized but not simultaneously with the streamlining of contracts. However, it is disingenuous to attribute the inadequate compensation to the different set of rules and different types of contracts. It is possible to have different sets of rules but adequate compensation; indeed, 100 and 200 Series of the Staff Rules mirror each other. The different sources of funding and eligibility requirements dictate the different sets of Rules.

9. Staff representatives find that the harmonization and streamlining proposals do not take into account the different sources of funding. Neither is it indicated what the impact of the proposed streamlining of contracts will be on the proportion of posts subject to geographical distribution and gender balance.

10. In the third part of this report, staff representatives offer proposals on how to revamp human resources management and development. Of these proposals, three stand out. Staff representatives call for a consolidation of all human resources functions in a one-stop office, preferably an autonomous department of human resources management and development. The consolidation of Human Resources functions would allow savings and better coordination of activities and accountability.

11. Second, staff representatives call for integrating the Professional and General Service and related categories. As noted by the International Civil Service Commission, greater integration of the categories and grades would facilitate movement towards a performance-based culture. Integration of the top of the General Service levels with the junior Professional levels would not only build team cohesion and recognize the reality of the workplace but also promote the creation of salary structures that would facilitate opening up the space to skills growth and continued learning.

12. The other salient proposal, to which the first two are subordinate, is that the General Assembly should treat human resources management as it did the internal justice system, that is to say, it should redesign from the bottom up a new integrated human resources framework that has one structure and is results-oriented, that has transparent procedures and outcomes, and variable market-based compensation integrated with support for learning, development and performance management, and that is ingrained with checks, balances and accountability measures, and insulated from external meddling and influence. Owing to the presence of vested interests and conflicts of interest among various actors in the entire Organization, including staff representatives, human resources reform has been dodged. As has

been the case for the administration of justice, human resources management and development require that an independent panel of human resources experts conduct a root-and-branch overhaul in consultation with all stakeholders so as to come up with bold proposals in consonance with the new system for the administration of justice. The time has come to establish a redesign panel on human resources management and development.

13. A treatise on previous proposals of the Secretary-General is annexed to this document. The contents of the treatise, prepared in 2006, address proposals contained in the reports of the Secretary-General entitled "Investing in the United Nations: for a stronger Organization worldwide" (A/60/692 and Corr.1); "Investing in people" (A/61/255); and "Human resources management reform (A/61/228 and Corr.1). The Staff Union's views, expressed at the time, remain valid.

II. State of the current human resources framework

14. Introduced in 2002, the current human resources management framework is hampered primarily by limited resources; the weakened role of the Office of Human Resources Management; non-transparent processes; flouting of staff rules; absence of a checks-and-balances mechanism, such as an independent justice system; and the lack of standards and accountability-related sanctions. It would seem as if the system had been designed to fail. Encompassing an amalgam of practices found in public employment and corporate systems, it was designed without the recognition that public employment is different from private employment because the mission and nature of the international civil service are different from the nature and mission of private and other public employers.

15. Although the Office of Human Resources Management is supposedly the Secretariat's central authority on all matters concerning human resources management, it has, since 2002, significantly delegated the management of human resources throughoût the Secretariat to programme managers, and especially to the Field Personnel Division/Department of Field Support. The delegated authority is premised on the questionable rationale that "programme managers can be held accountable for their work only if they are able to select the best talent available" (A/63/132, para. 7), which would require every new manager to hire his/her own pool of talent. The Office of Human Resources Management has been reduced to the mere monitoring of the performance of human resources functions. As a result, human resources management is riddled with disparate recruitment and placement practices in the field and across departments at headquarters duty stations; weakened central review bodies whose main function currently is only to review the process of filling vacancies and not the merit of candidates; and fragmented information technology systems which do not interface.

16. While the decision taken in 2002 by the Office of Human Resources Management to divest itself of several functions may have alleviated the resources deficit problem within that Office, in the resulting miasma, overall personnel recruitment, management, retention and succession planning has been weakened. It does not make good business sense to have 80 per cent of the Organization's assets managed by a handful of staff with meagre resources and disparate information technology systems which require considerable labour inputs to enable them to interface or their output to be corrected. Member States have always been keen on

cost savings; therefore, it would seem to be counterproductive to be penny wise and pound foolish with regard to personnel. It is clearly evident that the Office of Human Resources Management is overwhelmed as regards the implementation of tasks and the responsibilities assigned to it.[1]

17. In the absence of checks and balances, within the context of a dysfunctional justice system, inconsistent application of human resources policies and guidelines is being perpetuated. For example, the Department of Field Support, to which the Office of Human Resources Management has delegated significant human resources functions, does not have even a recruitment policy, a situation that allows for backdoor recruitment devoid of a vigilant vetting process undertaken for staff in headquarters duty stations. Yet, the Secretary-General has proposed that contractual arrangements be harmonized without addressing the fundamental disparities in the recruitment practices and overall personnel management at the United Nations.

18. The Secretary-General's reports indicate that the current human resources framework is hampered by factors such as complex eligibility requirements for appointment; complex contractual arrangements and multiple conditions of service; and selection of senior managers on the basis primarily of their substantive expertise or political acumen and connections. While the role of these factors cannot be discounted, they are smokescreens that mask the ill-designed human resources framework which has yet to be audited. Since 2006, the Staff Union has requested an independent audit of the current system and accountability sanctions for the designers/propagators of the soon-to-be-defunct Galaxy system, on which significant resources have been expended.

19. Most of the problems indicated by the Secretary-General can be resolved by technological applications and screening processes which the current information technology systems for human resources functions (Galaxy tools, the Integrated Management Information System (IMIS) and peacekeeping information technology systems) have failed to carry out. For example, the Galaxy system was not designed to efficiently classify a job, create a vacancy or perform the necessary eligibility checks. Even the process involving existing staff members can be cumbersome. When staff members transfer from one duty station to another, for example, IMIS cannot transfer their electronic data without significant human input. Besides their primary responsibilities, managers and others to whom staff selection has been delegated have to spend a significant amount of their time and resources on vacancy management even as they navigate unclear policies and procedures.

20. For managers and others to whom staff selection is delegated, the prospect of the opening up of a vacancy can be a dreaded one; vacancy management has, in some cases, inhibited staff mobility. There have been cases where managers have indicated that they could not let a staff member move on to another function or post. It is in this regard also that staff representatives have indicated the irreconcilability of mobility with the discretionary delegation of authority to recruit personnel on a subjective basis so as to optimize specific programme delivery, as deemed appropriate. It is a stretch to assume that even as managers recruit personnel for the needs of specific programme delivery, they will also contemplate the big picture encompassing generalists suited for a "more versatile, multi-skilled and experienced

[1] For the biennium 2006-2007, the total number of staff in the Office of Human Resources Management was 206; its budget was just under $74 million.

international civil service, based on the predicted needs of the Organization" (ST/SGB/2002/5). Insofar as personnel are recruited to serve a wider interest and perform other functions that require multiple skills, their recruitment is too important to delegate to individual programme managers.

21. The aggregate effect of the foregoing shortcomings is that backlogs accumulate and delays become the norm. It is then possible to exploit the system or to circumvent it or to take advantage of the situation to achieve purposes that might be detrimental to the Organization, through, for example, selecting a candidate arbitrarily and attempting to fit that candidate into the system. There have been situations, for example, where vacancies have been kept in limbo for considerable periods, sometimes so that a favoured candidate for the post can acquire the required qualifications or clout, as that candidate becomes acclimatized in an acting position in the very same vacant post, and sometimes so as to benefit a consultant or retiree.

22. Perhaps the most lasting effect of the current human resources framework is that it has undermined the credibility of the staff selection system, which the staff perceive as lacking transparency and, in most cases, does not result in the selection of the most qualified candidate. The recruitment policy, and especially the guidelines for staff placement on entry at a given grade and level, is shrouded in mystery; it is not uncommon for staff with comparable credentials and experience to be recruited at different grades and levels. It is also corrupting to confer permanent contracts on freshly minted junior staff while keeping their supervisors, with exceptional credentials and vast experience, on short-leash, fixed-term appointments.

23. The lack of accountability mechanisms for human resources-related decisions and actions renders such decisions and actions a fait accompli. Contrary to the Secretary-General's continued faith in the safeguards provided by the central review bodies (see A/63/132, para. 7), the current diluted role of those bodies reinforces the credibility gap in respect of the current selection system. That gap is further widened by the absence of officials of the Office of Human Resources Management at interviews convened by the programme managers; there are attestations that while some candidates are grilled with difficult questions, favoured candidates are soft-balled and treated very kindly. In some instances, managers have provided helpful information to favoured prospective candidates and prepared such staff members by assigning them functions that burnish their credentials and experience. Furthermore, the use of temporary vacancy announcements (TVAs) is the newest means of backdoor recruitment. It is particularly prevalent in the Department of Field Support and the Department of Peacekeeping Operations. Managers have absolute flexibility in recruiting any candidate of their choice for periods ranging from 3 to 11 months using the temporary vacancy announcement, after which the staff member so hired takes a break for 1 month and he or she is then recruited again. The use of the temporary vacancy announcement is both exploitation and a mockery of the staff selection process.

24. It is in this regard that staff representatives perceive the pursuit of gender balance and geographical representation to be wanting, using the current selection process. Absent checks and balances, and a revision of the criteria used to determine the geographical targets, it is difficult to achieve gender balance and geographical representation as well as an equitable distribution of posts, within those two dimensions, by category and level. It is conceivable that the distribution of posts

among staff members of one nationality is skewed towards managerial posts while among those of another nationality it is skewed towards lower cadre posts.

25. In 2007, for example, 39 per cent of the posts at the senior and policymaking levels (defined as those in the Director category and above), and subject to geographical distribution, were held by nationals from five Member States (France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America) (see A/62/315, table A.10). Whereas an equal number of posts at the senior and policymaking levels were held by nationals of Egypt and Sweden, there were three Egyptian nationals who held posts at the D-1 level compared with three Swedish nationals who held posts at the Assistant Secretary-General and Under-Secretary-General levels. The data from the Galaxy recruitment for 2003-2007 show that men were preponderantly recruited in the Director and Professional categories by a factor of at least 3 to 1. On the other hand, more women than men were promoted to the P-3 and P-4 levels; still, the promotions in the Director category and at the P-5 level were received preponderantly by men. In the General Service category, those recruited and promoted were disproportionately women.

Appointment to senior positions

26. The appointment of senior officials, to the D-1 level and above, is critical to the Organization's performance. Senior officials perform critically important functions. They are responsible for implementing all the work programmes of the United Nations, for effectively using its budget, and for ensuring the quality, direction and morale of its staff. They are required to have a broad range of competencies and to exercise effective leadership in a cross-cultural environment. In few areas do the Secretary-General's responsibilities have a greater impact on the effectiveness and performance of the Organization than in that of making these senior appointments (see A/51/950 and Corr.1, para. 230). In making the appointment of senior officials, the Secretary-General has to balance the professional, managerial and leadership qualities required to ensure high standards of performance.

27. Although the appointments of senior staff are of such critical importance, the absence of transparent recruitment and promotion procedures for Assistant Secretary-General positions and above enables the appointment of officials who, in some cases, have had little or no prior leadership or managerial experience in working in a complex multicultural environment. Yet, it is to them that the authority has been delegated to select and promote staff.

28. The Secretary-General has reported that, in making senior-level appointments, he consults with an informal group of independent advisers who are familiar with the United Nations system (see A/53/676, action 20), even as he benefits from consultations with Member States on such appointments (see A/52/584, para. 37).[2] Political influences have percolated down even to the appointments to D-2 level positions, which are overseen by the Senior Review Group, in part because members of the Senior Review Group are Assistant Secretaries-General and Under-Secretaries-General whose own appointments are tainted by political interests.

[2] Only in the appointment of the Deputy Secretary-General and the Under-Secretary-General for Internal Oversight Services are consultations with Member States formally required. However, over the years, the Secretary-General has ceded his discretionary authority to Member States.

29. Political considerations in respect of the appointment of senior officials bear upon the competence of United Nations staff and their level of professionalism. Such appointees are less likely to be vigorously vetted to determine their capability to perform the duties of the post. They are also likely to introduce a vicarious authority that contravenes the Staff Regulations and Rules of the United Nations; moreover, such appointees are likely to eschew accountability. Because senior leaders owe their appointment to political influences, they have had to be sensitive to initiatives or objections that individual Member States cannot introduce within the organs of the Organization.

30. Where the competence of such senior appointees is found wanting, the workload has to be carried by their subordinates, usually long-term serving staff in the General Service and related categories. In one department, staff members have been denied leave, as they are needed to perform both their own functions and those of their superiors. Yet, the junior staff cannot stave off such abuse of authority, for their career prospects are firmly determined by their supervisors. Trapped in this predicament, some junior staff members have opted to resign.

Career mapping and development

31. The competence of the recruited staff is weakened further by the lack of career guidance, development and mapping. Career development and mapping constitute useful ways to support the professional development of staff and enhance their contributions to the Organization. Career planning helps supervisors and supervisees better understand how their work is contributing to their long-term goals and ambitions. It helps in identifying the training needs of staff. It is valuable in aligning the professional aspirations of staff with the Organization's goals. Career planning is integral to training, mobility and benchmarking of staff members' performance against the goals of the Organization. It can be useful in identifying and honing leadership skills. It also allows supervisors to collaborate with individuals in setting long-term objectives for both the Organization and the individual, and to detail the steps and measures required to accomplish them.

32. The provision of career guidance assures the staff members that the Organization cares about their advancement potential and is committed to them, which can increase their job satisfaction, productivity, dedication and loyalty. The time invested in career development can help in ensuring that the Organization has qualified internal candidates to fill senior-level positions in the future. Succession planning assures operational and personnel stability.

Limited resources for training and information technology

33. Yet, the resources allocated for human resources planning are very limited. For example, the Planning, Monitoring and Reporting Section in the Office of Human Resources Management has a meagre staff of five personnel to cater for the entire Secretariat. Investment in staff development at the United Nations remains at less than 1 per cent of total staff costs compared with an average of at least 4 per cent in best-practice organizations. The effect of the limited resources for human resources management is reflected in the absence of annual staffing plans; inadequate and inappropriate information technology tools intended to support planning functions; the use of consultants and retirees; and a lack of clearer human resources policies. It

is conceivable that the lack of resources could have informed the decision to delegate human resources responsibilities across the Secretariat.

34. The Office of Human Resources Management conducts some learning programmes that most staff members have found not to be attuned to their work and career interests. They have also found that the scheduling of the courses conflicts with their workload. External training is almost non-existent, although some departments sponsor limited external training, usually for a couple of days. In respect of the field missions, all national staff associations have reported that the training facilities and opportunities at those missions are insufficient. Besides, the existing training programmes are not linked to performance evaluation, and career planning and development. There is little motivation to undertake even mandatory training.

Performance appraisal system

35. The disconnect between the electronic Performance Appraisal System (e-PAS) and skills development is demonstrated by the performance evaluation practices. The usefulness of e-PAS as a work-planning tool, supportive of skill development and career development, is thwarted by tardiness, problems of coverage and punitive intent. A large proportion of e-PAS evaluations are submitted after the required deadline. Some e-PAS are filled out at the end of the cycle rather than at the beginning. One in five staff members do not have e-PAS evaluations for various reasons, including deliberate deprivation of work assignments.

36. Staff representatives receive a significant number of complaints regarding unfairness in e-PAS evaluations within and across departments and units. The majority of staff members receive a mid-level, category 3 rating ("fully meets performance expectations"), even when they believe that their performance is better than the rating indicates or better than that of their identically rated colleagues. All too often, a positive rating is invalidated by the disparaging remarks made by the Reporting Officers about the staff member. Yet, those remarks are not within the purview of the Rebuttal Panels and are therefore unrebuttable. Under the administrative guidelines, a staff member can rebut only the rating but not the comments. This leads supervisors to give a "satisfactory" rating but to make comments that could be best characterized as constituting nothing short of character assassination.

37. Staff representatives have long argued that the e-PAS should entail a 360-degree-evaluation, as is the case in other organizations, such as institutions of higher learning. The absence of a 360-degree performance evaluation has engendered a mindset reflecting dominance and marginalization of teamwork.

38. The variability of e-PAS evaluations assures better career prospects for staff members in departments/divisions/units where ratings are disproportionately above average. The fact that staff members in departments/divisions/units where ratings are disproportionately poor are likely to be confined within their grade level and department for long periods constitutes a negative factor in respect of mobility. Considering the current cumbersome and time-consuming process of recruitment, performance ratings can be instrumental in fostering staff retention within departments/divisions/units.

Retention of imminent retirees and use of consultants and retirees

39. The poor rating of a staff member's performance can be used to justify the hiring of consultants. To some extent, too, the engagement of consultants appears to occur in lieu of providing staff training. Rather than train their staff within existing resources, supervisors tend to engage the same consultants either frequently or for extended periods. There is no procedure for vetting consultants: the process of engaging consultants is at the discretion of programme managers. Sometimes, political considerations appear to be embedded in the process of engaging consultants. Yet, there have even been instances where consultants have been allowed to supervise regular staff members.

40. Programme managers routinely rehire retirees and/or retain imminent retirees as a stopgap measure in lieu of succession planning. Indeed, this concern has informed the sentiment against rehiring retirees or extending the contracts of imminent retirees beyond the retirement age. However, not every staff member retires at the mandatory age. Staff representatives find the discretionary practice of retaining some staff members in active service to be selectively discriminatory. Programme managers may not comply with the requirement to initiate the prescribed recruitment process, that is to say, at least six months before the anticipated vacancies occur (ST/AI/2006/3), so as to favour certain imminent retirees. Programme managers then request the retention, sometimes beyond the prescribed six months, and the Superannuation Committee obliges.

41. Even when it does not oblige, the Assistant Secretary-General, Office of Human Resources Management, can ignore its recommendations and there is no feedback to indicate the actioned recommendations. In some instances, the request for retention is not in the interest of the Organization as required by administrative instruction ST/AI/2003/8. It is in the interest of the staff member to accumulate more months of contributory service with the United Nations Joint Staff Pension Fund, an enduring legacy of General Assembly resolution 35/210 which exempted General Service staff with less than 20 years contributory service from mandatory retirement at age 60. In other instances, programme managers retain imminent retirees to enable them to fulfil the 10-year requirement for after-service health insurance or the 15-year residency requirement for gaining permanent residency in the host country. With regard to retirees, programme managers routinely rehire them as consultants or on regular contracts soon after the expiration of the required three-month separation.

42. These selective and unfair practices point to a need to have a fair policy that is applicable to all imminent retirees. It is the considered opinion of staff representatives that the current retention procedures should be replaced with a non-discriminatory policy that allows staff members to retire at a later age, subject to satisfactory performance.

Archaic workforce structure

43. The archaic hierarchic pyramid structures are entrapping and stifle career progression and innovativeness. There are two castes, the Professional and the General Service and related categories, that is to say, one pyramid atop another. This dual categorization, which limits the recruitment of qualified staff from the General Service and related categories to the Professional category to up to 10 per cent of the appointments at those levels, does not make sense in today's world. Rationalized

by a historically entrenched division in the labour markets from which the staff are recruited, it is at odds with a more technology-driven environment which has blurred the relationship between mid-level Professional and higher support functions and those of staff in the General Service and related categories. It is difficult and counterproductive, in a modern work environment, to compartmentalize support work (classically defined in terms of the management of process or *how* things get done) and professional work (defined in terms of the design of products and services or *why* things get done).

44. Increasingly, too, staff in the General Service and related categories have acquired advanced education credentials, required for recruitment to Professional posts. On many occasions, too, Professional staff members are broken in by General Service staff; on other occasions, and for various reasons, General Service staff have had to perform the functions of Professional staff. Yet, the United Nations continues to hobble itself with the two-tier work structure which distorts the meaning of, and devalues, support work, especially in the context of the traditional stereotypic profiles of each category.

45. The drawbacks of the two-tier pyramidal workforce structure are exacerbated by the absence of mechanisms for the generation of motivation and the delivery of recognition. On average, in a 20- to 30-year career at the United Nations, an individual can expect from three to four promotions, which, although this offers little in the way of recognition, represents the best that the system can now accommodate. There is no pay for performance and there are few, if any, bonus or non-cash reward programmes. The automatic time-based annual pay increments, and general across-the-board increases, have long failed to provide any meaningful measure of recognition, since they are entirely unattuned to individual performance. Therefore, the only recognition and motivation mechanism operates through promotion, which places an undue and unintended burden on the classification and grade system.

46. The result is that, often, reclassification is misused as a means to extend recognition. Managers rework job descriptions, not in recognition of the fact that additional, higher-level duties and responsibilities have been added to the job, but, rather, in an effort to reward an individual. The Office of Human Resources Management earnestly assesses the changes and, in almost all cases, a reclassification eventually occurs.

47. The use of reclassification as a vehicle for recognition undermines the true and legitimate differentiation of work represented in the grading system and perpetuates efforts to make artificial distinctions designed to serve the goal of creating promotions. Although this occurs too infrequently to be the basis for continuing recognition and motivation, it does breed resentment and morale-related problems.

48. It is established that all incumbents in high-level and high-grade posts are de facto managers, for promotion to high-level positions is the only discernible or available recognition mechanism. Often, however, those in leadership positions are not competent or trained to exercise managerial responsibilities. Besides, while every staff member aspires to grow professionally and achieve high positions, not all of them desire to take on managerial responsibilities as they go along. It is not unusual, therefore, that as staff members progress from the bottom to the top, they tend either to adopt an officious attitude or to become detached from the managerial situation imposed on them by virtue of their professional success. This results in a

schism between the upward-moving and the stagnating staff members and has a negative effect on team-building, teamwork and productivity.

49. The ingenuity of the United Nations human resources framework is reflected in the highly differentiated grade and level structure, and the discernible provision of perquisites such as office space and equipment. Its broad-based grade-step structure, with insignificant work distinctions between one level and another, automatic annual step-graduation and the open-ended time period spent in each grade, ensure that a majority of staff members drift and are progressively worn down from grade to grade, with limited opportunity to reach the top. The grade structure, which mimics a career track but one without progression mechanisms based on performance, is palliative and as such abets inertia. Because the movement between steps — and the attendant annual payment increments — is automatic, contingent on no other requirements for advancement than the elapsing of a certain period of time, neither does it serve nor is it appreciated as a recognition mechanism. Instead, it serves as a marker of unproductivity: staff members who indicate that they have been in a grade for, say, 10 years are likely to be disdained as unproductive and problematic. Their salaries, however, are equal to or above some salaries in the next grade. Nonetheless, as long as a heavily layered grading system exists, there is little incentive to establish true forms of recognition which are linked to staff achievement.

50. The structure of the United Nations workforce, where everything begins at the top, stifles innovativeness. When innovative ideas are broached by staff members in lower-level positions, leaders with poor managerial skills tend to perceive this as an affront to their position. In some cases, such staff members are considered troublemakers. In other institutions, where it is common to have an inverted pyramid, or even a rectangular broad-banded workforce structure, opportunities exist for several staff members to advance to high-level, non-managerial positions. There are also other mechanisms for staff recognition. In such institutions, select staff members are identified and charged with managerial responsibilities sweetened with minimal additional remuneration or perquisites. This situation engenders collegiality, teamwork and innovativeness; colleagues are secure enough to accept ideas other than their own. More importantly, it does not cluster staff members on the lower rungs: it allows for career advancement based on performance.

Lack of clear policies

51. The lack of clearer human resources policies, also attributable to very limited resources of the Policy Support Unit/Office of Human Resources Management,[3] is perhaps the biggest handicap affecting human resources management at the United Nations. The ambiguity of policies ranges over whether they should be consistent or flexible or easier to understand; it is also compounded by the parallel existences of policies and guidelines, and the attendant legal implications of their juxtapositional implementation. The ambiguity not only allows for variations in the interpretation and application of polices but also renders it difficult to hold errant managers accountable for their actions, irrespective of whether such actions constitute deliberate or genuine mistakes.

[3] The Policy Support Unit/Office of Human Resources Management has only three Professional staff whose functions include policy development and interpretative guidance for the whole Secretariat.

52. The effort to implement policies on mobility in 2007 and flexible working arrangements since 2003 illustrates how befuddled the human resources policies can become. The challenge of implementing the mobility policy was compounded by the broad definition of the concept; unclear responsibilities with respect to implementation; exemptions that were exclusive even as they were inclusive; dissociation from training and career development; and the absence of consideration for the qualifications and professional knowledge of the participants and for work and life issues. The implementation of flexible working arrangements has not taken hold largely because of the fixation on a command-and-control culture. Implementation is discretional, beset with problems of mistrust and prejudice and impaired by misperceptions regarding its purposes.

Mobility scheme

53. According to the General Assembly, the purpose of enhancing mobility is to improve the effectiveness of the Organization and to foster the skills and capacity of staff (see resolution 61/244). In this regard, the Assembly has requested the Secretary-General to ensure that mobility is encouraged in all categories of Professional and higher-level posts (resolutions 57/305 and 59/266); and to consider the use of incentives with a view to encouraging staff to move to duty stations with chronically high vacancy rates (resolutions 59/266 and 61/244). It has repeatedly pronounced that "mobility is encouraged in all categories of Professional and higher-level posts" (resolutions 55/258, 57/305 and 59/266). It must be emphasized that the Assembly uses the word "encouraged", not "required". The Assembly acknowledges that mobility needs to be supported through greater efforts to improve conditions of life and work throughout different duty stations (resolutions 57/305, 59/266 and 61/244). It has requested the Secretary-General to develop further criteria for mobility to maximize its benefits for the Organization and to ensure the fair and equitable treatment of all staff.

54. The General Assembly is also cognizant of potential problems. It had requested the Secretary-General for proposals to solve problems resulting from increasing staff mobility (resolution 55/258); and to closely monitor mobility and to submit proposals to the Assembly in order to solve any problems resulting from increased staff mobility (resolution 57/305). The Assembly has reaffirmed that the implementation of mobility policies, while recognizing their anticipated positive effects, may also give rise to problems and challenges that should be addressed (resolutions 59/266 and 61/244). The Assembly has stressed that mobility of staff should not lead to the transfer or abolition of posts as a result of vacancy (resolutions 55/258, 57/305 and 59/266).

55. The General Assembly has further requested the Secretary-General:

(a) To avoid the possible abuse of mobility as an instrument of coercion against staff, taking into account job security in the Organization and other relevant factors, such as an appropriate incentive scheme and assurances of onward assignment (resolutions 55/258 and 57/305);

(b) To ensure that lateral mobility does not negatively affect the continuity and quality of the services required for the implementation of mandated programmes and activities (resolution 55/258) and the institutional memory and capacity of the Organization (resolutions 59/266 and 57/305);

(c) To ensure that appropriate monitoring and accountability measures are in place (resolutions 59/266 and 61/244);

(d) To continue to consult with staff, including staff representatives, in the development of mobility policies (resolutions 59/266 and 61/244).

56. With regard to the life/work issues, the General Assembly has invited the Secretary-General to explore ways of assisting spouses in finding employment opportunities. It has, among other things, requested the Secretary-General to give priority to the relocation of spouses within the managed mobility programme, subject to the availability of suitable posts and satisfactory performance; and to support the creation of inter-agency spouse support networks at all duty stations.

57. In its report JIU/REP/2006/7, the Joint Inspection Unit highlighted the main problems of the mobility policy:

(a) Staff has not been properly consulted;

(b) There is no strategic plan;

(c) There is not even a definition of "legitimate reasons" for exemptions to the mandatory policy;

(d) Managed mobility is currently linked neither to organizational needs nor to career development;

(e) Mandatory mobility should be the last resort only in very special cases;

(f) The current policy has become an end in itself, not a managerial tool;

(g) Even the Office of Legal Affairs has stated that "the proposed system appears to radically change the conditions of service of staff" and "could be successfully challenged before the United Nations Administrative Tribunal";

(h) It is not flexible enough to cope with specialized functions, staff with health problems, handicaps or special family conditions, and staff close to retirement age;

(i) There is no comprehensive strategy to preserve institutional memory;

(j) The Office of Human Resources Management repeatedly failed to give the Joint Inspection Unit (and Member States) cost estimates;

(k) There is no clear understanding of the concept of accountability of management, staff and the Office of Human Resources Management; and there is no justification for the lack of accountability assigned to the Office of Human Resources Management;

(l) Work/life issues have not been properly addressed.

58. According to the Secretary-General, the purpose of the mobility policy is to develop a more versatile, multi-skilled and experienced international civil service, based on the predicted needs of the Organization; and to promote greater mobility of staff among functions, departments, occupations, duty stations, field missions and organizations of the United Nations system (ST/SGB/2002/5). The Secretary-General had previously recognized that introduction of a mandatory mobility policy would raise a whole new set of the so-called work/life issues because, for the first time in the history of the United Nations, administrative policies would directly

affect career, education and other prospects as well as security and welfare of entire families of staff members.

59. In its report contained in document A/59/253, the Office of Internal Oversight Services expressed its belief that "these concerns need to be addressed immediately and effectively; otherwise efforts to increase mobility, especially at duty stations with high vacancy rates, will have minimal positive impact". Yet, in reacting to such concerns, the reports of the Secretary-General proclaim intentions to "provide counselling", "explore options", "provide assistance on family-related issues" and "seek changes in national policies on work permits for spouses". The Secretary-General presents such proclamations of good intentions as a solution, whereas in reality the staff and their spouses have had to fend for themselves.

60. Staff members and their spouses have had to deal with the catch-22 situation of being required by the host country to show that spouses have a job offer before they are issued a work permit, and being required to show a work permit before they receive a job offer. Where a job offer involves driving, staff members and their spouses have the added burden of meeting the requirements for obtaining a driving licence, since most staff do not have social security numbers. Besides, the duration of the work permits and driving licences is pegged to the staff member's contract, a cumbersome condition for staff members on short-term contracts. Staff members have to worry about renewal both of their own contract and of their spouse's work permit. Some spouses of staff members with fixed-term contracts have missed out on job offers because of the prospective employer's desire to hire long-term employees.

61. The General Assembly has requested the Secretary-General to provide an analysis of the managed mobility programme, including information on financial implications and on its usefulness in improving organizational efficiency and addressing, inter alia, high vacancy rates, and to report to it thereon at its sixty-third session (resolution 61/244). It has also requested the Secretary-General to report to it at its sixty-third session on the implemented phases of the mobility policy, along with projections for the envisaged remaining phases and an assessment of the relevant administrative and management issues (resolution 61/244). The Assembly decided, in the light of the experience of managed mobility, to review the enforcement of post-occupancy limits at its sixty-third session (resolution 61/244).

62. Staff representatives have not seen the Secretary-General's reports regarding these requests. They are concerned, however, that the Secretary-General intends to implement a mobility scheme that does not take into account the expressed concerns of the General Assembly, the Office of Internal Oversight Services, the Joint Inspection Unit and staff representatives. The Secretary-General seems eager to implement a policy of mobility for mobility's sake, informed by an erroneous view that vacancy occupancy for all positions in the Organization should not exceed five years. He has expressed an intention to implement staff mobility by fiat — to swap 20 per cent of the staff across departments. No account is taken of the fact that there are insufficient posts available to accommodate the comprehensive mobility that the Secretary-General would wish to parlay into practice. Staff representatives are alarmed that the Secretary-General is subordinating the need for institutional memory to the gain in energy that the mobility scheme supposedly engenders.

Succession planning

63. Succession planning at the United Nations is poor. While the Office of Human Resources Management has divested itself of the staff selection process, the Office conducts human resources planning via senior management compacts and human resources action plans. The senior management compacts and human resources action plans set goals and targets, and monitor departmental performance. It is daunting, however, to set goals and targets that match the realities of different departments — in the context, moreover, of very limited resources.

64. Programme managers recruit specialized personnel to meet today's needs in their departments, with little or no regard for the current system-wide pool of talent and the projected future need. In addition, the current system is such that the outgoing personnel are long gone before the new personnel take over. The opportunity is thus lost for the outgoing staff members to personally brief, and perhaps train, the incoming staff members.

65. Given that the recruitment process takes months to conclude, either the contracts of the outgoing personnel are extended beyond the expected date of separation or vacant posts are filled with temporary staff. Either through tacit connivance or overt support, a temporary staff member often occupies the post long enough to acquire experience on the job and lay claim to the post, effectively denying the Organization the opportunity to court and interview qualified candidates, particularly from outside. The current quality of succession planning at the United Nations is not conducive to competence, gender balance and geographical distribution.

Impact of staff unions and associations on human resources management practices

66. The formal influence, through established procedures, of staff unions and associations on human resources management practices, has been negligible, because of internal weaknesses within and between unions and associations, and because of the Secretary-General's resistance to what is perceived as the desire of staff unions and associations to co-manage the Organization. Instead of strengthening staff representation, representatives of the Secretary-General have made deliberate and subtle attempts to weaken the established mechanisms for staff-management interlocution. They have sought to control the extent to which and the means by which the staff representatives exercise the authority vested in them, and in this regard the success of those representatives has been variable. For example, because the presentation of the staff representatives' views to the General Assembly is effected through a note by the Secretary-General, there have been attempts to censor the staff's views or to stymie outright their reaching the Assembly.

67. Staff-management bodies have always been advisory, operating with the almost invariable certainty that their advice will be ignored by the Secretary-General and his designates, without any consequences. The staff-management dialogue is often put in abeyance through the infrequent convening of meetings of the staff-management bodies. For instance, the Joint Negotiation Committee, which was established in June 2007, with the requirement that meetings of the Committee should be held no less than every two months, has met only three times, despite the Staff Union's repeated requests to convene meetings of that Committee.

68. Staff representatives have witnessed tactics that pit staff unions/associations against each other through favours, or a staff council against its leadership. This is enabled by internal weaknesses within staff associations and federations. Staff representation, which is a role as risky — especially to staff with fixed-term contracts — as it is thankless, sometimes attracts individuals with ulterior motives. The actual or perceived risks of performing staff representation functions render staff representatives vulnerable to influences of self-interest. It is such staff representatives who are often enticed into weakening staff representation.

69. The Staff-Management Coordination Committee is the Secretariat-wide mechanism for staff-management negotiation on issues relating to staff welfare, including conditions of employment and of work, general conditions of life and other personnel policies. However, the Staff-Management Coordination Committee has failed to live up to its promise. The Secretary-General has changed its composition to incorporate non-Secretariat staff representatives as associate members, in contradiction to staff regulation 8.2, and allowed such associate members to pronounce on matters that do not affect them. It is convened once a year for from four to five days. Almost all documents are produced by management, in part because the staff representatives do not have as many resources as management. The provisional agenda and all other working documents are circulated to all members just a few days shy of the stipulated deadline, which is at least three weeks in advance of a session. Thus, the staff representatives' role at the Staff-Management Coordination Committee is at best reactive, and at worst it is to rubber-stamp the Secretary-General's proposals. However, the most significant source of frustration is the fact that the agreements reached at the sessions of the Staff-Management Coordination Committee are either not implemented at all or selectively implemented, in favour of agreements proposed by management. It is for all these reasons that the United Nations Staff Union and the Staff Coordinating Council of the United Nations Office at Geneva have withdrawn from participation in the Staff-Management Coordination Committee.

70. Effective staff representation at bodies like the International Civil Service Commission and the High-level Committee on Management is beset by the fact that the resources required to prepare in-depth positions on human resources and other management matters are limited. For example, some heads of federations, staff unions and associations do not have full-time release or the requisite facilities to perform their functions. This problem is particularly acute for the leadership of national staff associations in field missions.

III. Unattractiveness of current human resources framework

Short-term appointments

71. The current human resources framework renders the United Nations an unattractive employer. The United Nations mostly recruits candidates with specialized skills and often with a proven track record before they join the Organization. Already established in their fields of expertise, they are not amenable to lofty goals of developing "a more versatile, multi-skilled and experienced international civil service" (A/61/255). They probably have existing work/life considerations which mean they require working conditions that provide stability.

72. A workforce in which short-term and fixed-term appointees predominate does not make for stability even in the national arena; instead it breeds a sense of insecurity and undermines the professional independence of the staff. The delegated authority for staff selection, evaluation and promotion — under the current human resource framework — can ingratiate the staff with their hirers. It stifles innovativeness, productivity and objectivity of the staff and renders them reluctant to defy their benefactors and report misconduct that they may witness. The loyalty of the staff shifts towards their supervisors, who are vested with the authority to renew their contracts, and away from the Organization as envisaged in the Charter. The lack of career assurance undermines the principles of competence, integrity, impartiality and independence; staff members become vulnerable to external pressures. Among those who are especially vulnerable are staff members who come from countries where outspokenness is frowned upon by the authorities and can result in severe consequences. Their fears, already internalized, are crystallized when they realize that they are on their own and far away from home.

73. This pervasive fear has even permeated staff-management bodies designed to jointly identify and resolve issues that affect the welfare of staff. Many staff members are reluctant to serve on these bodies. Even more staff members will not think of running for elective office to represent their colleagues in the Staff Council. There have been instances of staff representatives being driven less by a wish to truly represent their constituents than by a need for self-preservation. Aggrieved staff members are often reluctant to lodge complaints with the Staff Union. Some of those who do lodge complaints do not want to pursue the matter further; they will settle for talking about it and leaving it at that. Such decisions are informed by experience; by the perceived, subtle ways that supervisors mete out to "errant" staff members. These include denial of official travel or stringent conditions in granting permission even to attend activities paid for by the inviters; being deprived of meaningful work assignments; delayed feedback on projects and work assignments; limited or no face-to-face meetings; deprecating e-PAS reports; denial of permission to publish articles in external publications; and limited opportunities for training.

74. The policy of delegating to managers responsibility to perform human resource functions has resulted in disproportionate subjectivity in performing those functions; regulations and rules can be skirted without adverse consequences. There is more subjectivity and less accountability in the performance of personnel management functions than was previously the case.

75. Short-term contracts have severe deleterious effects that may not be immediately apparent, especially to new and prospective staff members. Although it can be argued that short-term contracts do not always lead to unemployment, and they can continue for several years, personal and institutional costs can be prohibitive. Besides being beleaguered by a constant sense of job insecurity, staff members holding United States visas find it difficult to lease housing, buy property, obtain loans, place children in school and take care of mundane matters such as obtaining a driving licence. The duration of their visas depends on the length of their contract. If a staff member applies for a mission assignment whose duration is longer than their short-term contract, they have to surrender their visa and take their family with them. Indeed, short-term contracts impede staff mobility. Staff members have indicated that they would leave at short notice to work for the Organization anywhere, so long as the residency stability of their families were assured. Staff representatives propose that family members of staff of the international civil

service should be allowed to reside in host countries during periods when staff members are assigned to other duty stations or field missions.

Salary scales, benefits and entitlements

76. Contrary to the perception that United Nations salaries are high, they pale in comparison with the salaries and professional benefits offered in the developed countries and in other international organizations. While the United Nations salary scales are comparatively better than the salary scales of the majority of Member States, and can therefore still attract competent personnel, it could be difficult for a professional in a developed country to leave a permanent appointment in a national civil service, with attendant professional benefits and career trajectory, to take up a temporary appointment at the United Nations. Besides, the United Nations has a fixed pay structure, irrespective of speciality or expertise. Salaries do not reflect the risk incurred in or associated with performing certain functions. The salary for an investment officer in the United Nations Joint Staff Pension Fund, who is charged with a considerable investment portfolio, is equated by grade and level to the salary of a staff member in a position of lesser responsibility. It is conceivable that the United Nations is attracting less skilled people than it could.

77. The current pay and benefit system can be unattractive to prospective employees even as it is entrapping to current staff members. It is difficult for a staff member to foresee salary increments in the short term in the absence of a pay-for-performance system. The rigid pyramid structure stifles rapid advancement as there are fewer posts to advance to at the top. No matter the level of input, the staff member is resigned to receiving the annual increments for the next 5, 7 or 10 years. Besides, the pension system exploits staff whose contributory service is less than five years. The education grant, which is skewed towards the needs of older children, can be entrapping for staff who might want to leave but have children at college. Instead of providing benefits during childhood, especially toddlerhood, when parents are at junior professional levels with smaller incomes and need a lot of help with babysitting and other demands, the grant is weighted towards adolescence and adulthood when parents' incomes are actually higher. Indeed, it can be argued that the Organization is less accommodating of young parents, which is certainly counterproductive.

IV. Proposals of the Secretary-General

78. The Secretary-General has made several incremental proposals with regard to human resources management reform. The most recent proposals are contained in several reports, entitled "Investing in the United Nations: for a stronger Organization worldwide" (A/60/692 and Corr.1); "Investing in people" (A/61/255); and "Human resources management reform" (A/61/228 and Corr.1). The views of the staff representatives on the proposals contained therein have already been presented, in 2006, albeit unofficially. The then Assistant Secretary-General of the Office of Human Resources Management denied the United Nations Staff Union the opportunity to present the views of staff to the General Assembly in an official document. That document, whose content is as relevant today as in 2006, is annexed to the present document.

79. Recently, in March 2008, the Deputy Secretary-General presented to the Secretary-General a document entitled "Human resources management: recommendations for action". It contains 43 outline proposals on workforce planning; the staff selection system and vacancy management; professional competitive examinations; managers' responsibilities and performance management; mobility; career development training; payment of staff entitlements; pension terms; and contracts and conditions of service. It recommends 43 actions to be implemented by the departments under the authority of the Secretary-General; another 24 recommendations will require the approval of the General Assembly and/or consultation with the staff.

80. The document conveys a sense of immediacy for implementation, but it does not prioritize the recommendations or show linkages between them. It does not indicate how the departments will implement the recommended actions and which personnel will be responsible for them; neither does it provide details of resource implications. It is suggested that many recommendations will be implemented within existing resources, without acknowledgement that existing resources are already thinly spread. Perhaps most significant, the document does not indicate the desired outcomes or identify markers for measuring progress.

81. The Deputy Secretary-General's document is short on developing incentives and promoting motivation and recognition of staff. Limited attention is given to training and its linkage to performance management. Nor does it link mobility with training, or with career mapping and development. It is silent on one aspect of accountability that staff representatives believe would improve staff relations and productivity: the 360 degree performance evaluation. There is no call for a unitary recruitment policy, especially for selection to field positions, nor for the integration of the workforce structures into one structure. Absent also is mention of the responsibilities of staff members for their career paths and welfare, and to the Organization.

82. Staff representatives had hoped that the contentious issues, which have kept the Staff Union from participating in the Staff-Management Coordination Committee and central review bodies, would be addressed in the Deputy Secretary-General's document. The resolutions adopted by the Extraordinary Meeting of Staff on 16 April 2003 and on 28 June 2005 enjoined the Staff Union to participate in the Staff-Management Coordination Committee and central review bodies "until such time as they are assigned a meaningful role". The resolutions requested the Secretary-General to implement the agreements reached on the conversion of eligible staff to permanent career appointments.

83. Regrettably, the "new" recommended actions that are within the purview of the Secretary-General do not embrace the two outstanding issues. Instead it is proposed, among the proposals requiring the approval of the General Assembly and/or consultation with staff, to weaken further the central review bodies by eliminating their review of evaluation criteria. It is proposed that the central review bodies will not be required to approve vacancy announcements. It is inopportune, however, to comment on proposals that still require the Secretary-General's consultation with the staff.

Contractual appointments

84. The Secretary-General has proposed the introduction of continuing contracts to replace permanent contracts. This proposal is at odds with the principles embodied in Articles 100 and 101 of the Charter. Dag Hammarskjöld in his speech before the Oxford Union in 1961 on the subject of the international civil servant in law and in fact argues that "a risk of national pressure on the international official may also be introduced, in a subtle way, by the terms and duration of his appointment". Replacing the permanent contract with a continuing contract fundamentally changes the obligations of the international civil servant from one of sole allegiance to the Organization to one of seeking the patronage of whosoever will support his/her continued employment. It compromises integrity, loyalty, independence and impartiality, four fundamental principles forming the foundation of the international civil service. As such it is wholly inconsistent with the spirit and intent of the Charter, which envisaged a permanent international civil service, the numbers of which would be determined by the General Assembly.

85. The Secretary-General seeks to appease the current staff by proposing that the "change would not affect staff who currently held permanent appointments, or the acquired rights of staff who, by the time the change became effective, would have the right under existing rules to be considered for permanent appointments" (A/62/274, para. 24). Staff representatives take exception to this transient mindset, which is inimical to the Organization's posterity. The Organization clearly has a requirement to retain the institutional memory and knowledge of its core civil service and it achieves that objective through the granting of permanent contracts.

86. The balance of the staff currently employed on fixed-term contracts could benefit, however, were the duration of this contractual instrument extended to at least five years. It would greatly ease the administrative and financial burden currently involved in the constant renewal of such appointments, would create a pool of candidates who would be motivated to perform in order to compete for a permanent appointment and would address the work-life impediments on staff that are created by short, fixed-term contracts.

87. The proposal to abolish permanent contracts appears to be informed, in part, by the misconception that permanent contracts create "dead wood". If there is such a thing as "dead wood" among the dedicated staff known to staff representatives, it is poor management that is responsible for creating the conditions that lead to demotivation and despair. Staff representatives strongly urge the General Assembly to retain the permanent contract so as to insulate staff members from corrupting influences and give them peace of mind to diligently work for the Organization without fear or favour.

88. Staff representatives contend that if it is necessary to abolish permanent contracts, Member States would have to first amend Articles 108 and 109 of the Charter. Short of that, caseloads emanating from the abolition of permanent contracts will overwhelm the new system of administration of justice. Staff representatives envisage a stampede to litigation if permanent contracts are eliminated.

Changing staff regulations and rules

89. The proposal to introduce continuing contracts is accompanied by the intention to change the staff regulations so that staff may be terminated "in the interest of the good administration of the Organization", but the concerned staff would be prohibited from contesting the Secretary-General's action. Under the current staff regulations, the Secretary-General may terminate the appointment of a staff member who holds a permanent appointment "provided that the action is not contested by the staff member concerned". The wholly undefined rationale for discontinuing one's service is wide open to abuse by a management that has a track record of abuse. The resistance of the management to introduce "specific performance" in the new system of administration of justice speaks volumes to the intent to use this terminology to rid themselves of any staff member that questions a decision of the management, and to do so with impunity. It is of paramount importance for the Member States to defend the staff from this latest assault and to request clearly defined reasons that would trigger a termination of appointment under any contract. Staff representatives strongly urge the Member States to resist any attempt not only to replace permanent contracts with continuing contracts, but also to make any amendments to the staff regulations and rules until the staff selection, placement and evaluation procedures are reformed and streamlined.

Streamlining contracts under one set of staff rules

90. There is obfuscation of harmonizing the conditions of service with streamlining of contracts, which are two separate matters. Staff representatives agree that the conditions of service need to be harmonized, but not simultaneously with the streamlining of contracts. It is disingenuous to attribute inadequate compensation to the different sets of rules and different types of contract. It is possible to have different sets of rules but adequate compensation.

91. The Secretary-General has argued that there is a need to streamline contractual arrangements because they are difficult to administer. He has invented a "global Secretariat" whose operational requirements, it is argued, are not served by existing contractual arrangements because they are labour-intensive and complex and they lack transparency. But even the contracts under the 100 series of Staff Rules to which staff recruited under the 200 and 300 series would be converted are inundated with similar problems. The Secretary-General does not specify the actual difficulty. The Staff Rules for the 100 and 200 series mirror each other, although the 300 series are different. The actual difficulty stems from the difference in the source of funding.

92. The implied administrative difficulty is how to move staff from the 200 and 300 series to the 100 series of Staff Rules. The current rules do not allow the movement of staff recruited under a different process and funded from extrabudgetary resources to move to the core posts funded from the regular budget. Recruitment under the 200 and 300 series is lax: there is insufficient due diligence in recruiting under these appointments because there is no recruitment policy to provide the requisite guidance.

93. The use of appointments under the 200 series of Staff Rules has been abused. As the Secretary-General's report (A/62/274) notes, the 200 series was introduced in 1954 for specialist personnel working on technical assistance projects, to accommodate the special needs of technical cooperation projects, many of which

were expected to be of short or medium duration and which were funded from extrabudgetary resources (A/62/274, para. 13). What has happened is that the extrabudgetary funding has proliferated exponentially to be applied even to the core activities of the Secretariat. The extrabudgetary funds are susceptible to abuse and corruption because they are from voluntary contributions and may come with strings attached.

94. It is not unusual for a significant number of personnel to be recruited under the 200 series from Member States that contribute to the extrabudgetary funding. In addition, staff recruited under the 200 series of Staff Rules are not as thoroughly vetted as staff recruited under the 100 series to posts funded from the regular budget. In fact, the 200 and 300 series has become an avenue for backdoor recruitment of individuals who cannot directly enter through a 100 series appointment. To this day, despite the assertion in the Secretary-General's report (A/62/274, para. 14) that "[o]ver the years, safeguards have increasingly been introduced to ensure transparency and competitiveness in the recruitment process", there is no recruitment policy for staff recruited under the 200 and 300 series.

95. What staff representatives see is an attempt to mainstream staff members who did not come through the normal recruitment process, but who have nevertheless accumulated years of service, into the 100 series with attendant demoralizing and budgetary effects. The consideration of the streamlining of contracts should be preceded by the overhaul and streamlining of the current corruptible staff selection system. After the selection system is overhauled and streamlined, staff members currently serving under the 200 and 300 series should be offered the opportunity to apply for appointment under the 100 series; not by merely converting their contracts.

96. The Secretary-General contends that although the 200 and 300 series were designed to be funded from extrabudgetary resources, there is no longer a clear linkage between the nature and duration of functions and the mode of financing. The link may have been obscured, but the source of funding has not changed. In this regard, the streamlining of contracts should be considered either in the context or alongside the streamlining of all sources of funding, which would necessitate converting the extrabudgetary funding to the regular budget.

97. The gender and geographical distribution of staff on contracts under the 200 and 300 series of Staff Rules is not known. It is not indicated either what the impact of the proposed streamlining of contracts will be on the proportion of posts subject to geographical distribution. It can only be assumed that the proportion of posts subject to geographical distribution will increase in the light of the increase in the number of staff on 100 series contracts, but there is a need to know the Secretary-General's intentions in this regard.

New talent management framework and roster-based staffing process

98. The Secretary-General has proposed the introduction of a "new talent management framework", of which the expanded use of rosters is an important element (A/63/285). The Secretary-General's proposals are short on improving the management of existing talent and long on speeding up recruitment through the use of pre-screened rosters. The roster-based staffing process would be predicated on strategic workforce planning. However, while the roster-based system is described

in some detail, the elements of the strategic workforce planning are sketchy, in particular with regard to process and management.

99. Staff representatives have previously expressed their views on the use of rosters (see annex, paras. 40-45). Staff representatives reiterate that reports of the Secretary-General touting the advantages of these rosters (including the latest report, A/61/228 and Corr.1) have failed to indicate the actual number of staff members who have been selected through the rosters; it is widely known in the Secretariat that the system of rosters is simply not working.

100. The new proposals on the use of rosters raise more concerns, including exclusivity and further diminution of the role of the central review bodies. It is indicated that the "filling of the vacant post will be effected solely through the roster of candidates pre-approved for that occupational group and level". A candidate will have to be on the roster to be considered for appointment; those who cannot make the roster will be affirmatively excluded.

101. Staff representatives take exception to the continued erosion of checks and balances in the management of human resources, as well as to the proposal to reduce the current period for advertising individual vacancies from 60 to 30 days. The Secretary-General's report indicates that the central review bodies will no longer be required to review evaluation criteria before issuing vacancy announcements in the light of the unquantified "positive experience in recent years with the generic job profiles" (see A/63/285, para. 19). Staff representatives are concerned that the role of the central review bodies will be further reduced to "endorsement" of candidates who pass the preliminary screening and have been evaluated by panels of experts in relevant fields (see A/63/285, paras. 14 and 19). Staff representatives also consider this added layer of panels of experts a duplication of tasks; central bodies could be charged with such a task as was previously done by the appointment bodies before 2002. With regard to the proposal to reduce the current period for advertising individual vacancies, it is unwarranted in light of the establishment of a rostered period and pool of candidates.

102. The expectation that the proposed rosters will reduce recruitment delays and significantly shorten the time required to fill a vacancy may not pan out. The waiting period for filling a vacancy will simply shift from the active recruitment process to a passive waiting period while candidates are rostered. Besides, it is assumed that candidates will be available for indefinite periods of up to five years. In a globalized world where the competition for talent is acute, it is unlikely that quality candidates will wait that long. It is indicated that candidates will be contacted periodically during the "rostering period" to ascertain their continued availability and interest. That would require significant resources, which is unrealistic especially given that a candidate will be allowed to apply for several generic vacancies.

Mobility

103. Staff representatives welcome the benefit to staff careers that a properly established mobility policy would represent; however, it should be voluntary not mandatory or required. A system of positive motivation, incentives, including financial incentives and accelerated promotions, should be introduced instead of the currently envisaged coercive and punitive elements of "mandatory mobility". The implementation of any mobility scheme should be coupled with career assurance,

namely the reinstatement of permanent contracts. It should be linked to training and career planning even as it takes into consideration work-life issues.

104. The General Assembly's stated purpose of enhancing mobility is to improve the effectiveness of the Organization and to foster the skills and capacity of staff. Fostering the skills and capacity of staff requires more than mobility; it can be achieved through training or a combination of training and mobility, but not through mobility by itself. Besides, building or improving the effectiveness of an organization often comes into direct conflict with increasing efficiency. This is a regrettable downside of optimization referred to as Fisher's fundamental theorem: "The more highly adapted an organism becomes, the less adaptable it is to any new change."

105. In the current environment in which a manager recruits to optimize programme delivery, managers are primarily driven to make their departments/divisions and units more efficient in what they do. Candidate selection is therefore at odds with the Organization-wide objective, generic job profiles notwithstanding. An effective and efficient mobility policy would require building a wide consensus among disparate interest groups. The mobility scheme detracts attention from the wider call for revamping the flawed staff selection system, which is not standardized but whose architects would like to fit square pegs into round holes via mandatory mobility, abetted by generic job profiles, which are amenable to patronage recruitment, placement and mobility.

106. The unintended consequence of the current mobility scheme, and the entire current staff selection system, is to water down the calibre of staff recruited; to turn specialized personnel into generalists. Yet the march of history has been from generalists to specialists. However, the human resources managers at the United Nations have elected to march against history, to turn the division of labour theory on its head.

107. Staff representatives are concerned at the lack of adequate safeguards and an efficient, independent internal justice system to ensure that mobility is not misused for the purpose of separating staff members, in particular staff holding contracts that provide little security such as fixed-term appointments.

108. Further implementation of the mobility scheme should await the reports requested of the Secretary-General in General Assembly resolution 61/244 (sect. IV, paras. 5-7), but especially the establishment of the new independent system of administration of justice.

Human resources management and the new system of administration of justice

109. The implementation of the new system of administration of justice is under way. Staff representatives envisage that the new system will provide the necessary ultimate checks and balances on human resources management. However, staff representatives, including from other entities that are federated under the United Nations International Civil Servants Federation,[4] have profound concerns about the

[4] The United Nations International Civil Servants Federation was created on 7 May 2007. It is federated by the United Nations Staff Union at Headquarters (New York); the United Nations Development Programme/United Nations Population Fund/United Nations Office for Project Services Staff Council; the Staff Coordinating Council of the United Nations Office at Geneva; the Field Staff Union; and the National Staff Associations in field missions.

scope of the new system; the jurisdiction and functions of the formal justice system; the transitional measures; and the role of the Internal Justice Council. There are also concerns regarding the implementation of the new system, in particular the selection process of the members of the Internal Justice Council and the Ombudsman.

Scope of the new system of administration of justice

110. Staff representatives are concerned about the exclusion of non-staff personnel from the scope of the new system. Insofar as they interact with "staff members", it is conceivable that incidences will occur in which they would be subject to appear before the United Nations Dispute Tribunal and the United Nations Appeals Tribunal as respondents. It is also incredulous to suggest excluding certain persons such as volunteers and experts on mission because they do not receive salaries or are not appointed to a remunerated post (see A/62/782, paras. 23 and 33). In this regard, the Secretary-General's proposal to establish alternative dispute resolution mechanisms for non-personnel would be impractical and costly, as it would add a parallel system.

111. Interns are perhaps the most vulnerable persons in any organization because their success depends mostly on their charge or mentor. They need protection in the new system of administration of justice. In field missions, daily paid workers (also known as daily casual workers) are the most abused personnel. In missions such as the United Nations Mission in the Congo and the United Nations Mission in Liberia many daily casual workers have worked under these conditions for years since the inception of the missions, in contravention of General Assembly resolutions. The daily casual workers should be included in the new system until, as the Secretary-General has indicated, their use is eliminated.

112. A different set of rules is applied to staff members working in the United Nations Joint Staff Pension Fund, rules which sometimes contradict the United Nations Staff Rules and Regulations. The Secretary-General's proposal to have the disputes of staff of the Pension Fund adjudicated by the United Nations Appeals Tribunal propagates that status, to the detriment of Pension Fund colleagues. Dispute resolution in the Pension Fund should come under the jurisdiction of the United Nations Dispute Tribunal. In this regard, the staff regulations of the Pension Fund should be aligned with those of the Secretariat.

Jurisdiction and functions of the formal justice system

113. The Secretary-General's proposals on the jurisdiction and functions of the new formal justice system are contained in the draft statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, annexed to his report contained in document A/62/782. The Ad Hoc Committee on the Administration of Justice at the United Nations has produced its report on the subject (A/63/55 and Add.1). It has recommended that the "Sixth Committee establish a working group with a view to finalizing its deliberations on the draft statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal as a priority".

114. The staff representatives request the General Assembly to provide for the review of the draft statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal by the Internal Justice Council, taking into consideration aspects of human resources management that might fall under the jurisdiction and functions of the formal justice system. The Internal Justice Council would then

make its expert recommendations to the Assembly regarding the jurisdiction and functions of the formal justice system.

Transitional measures

115. The Secretary-General asserts that even with the best of efforts it is inevitable that there will be a surge in new cases and a considerable backlog of cases filed before the United Nations Administrative Tribunal that will not have been disposed of by 31 December 2008. He indicates that the surge will require extraordinary temporary measures to ensure that the new system is allowed to function unadulterated by remnants of the old system. The measures proposed include authorization by the General Assembly to pay an honorarium for all judgements rendered in 2008 at the suggested amounts of $1,000 per judgement drafted and $250 for participating in a panel; and to strengthen the United Nations Dispute Tribunal by adding three ad litem judges to enhance the capacity of the Dispute Tribunal during 2009. Staff representatives are wary of granting a per-case remuneration to members of the Administrative Tribunal less because of the precedent and ramifications it would set than the dictum that justice hurried is justice buried. Hurried justice will deprive staff members of the benefits of the justice reforms.

116. Staff representatives note that despite the best of efforts, the Secretary-General does not address the cause of the imminent surge in new cases, which is the mismanagement of human resources functions. It is conceivable that if the Secretary-General made improvements in human resources management, he would free considerable resources to deal with the backlog cases.

117. There is also a need to clarify the application of the statute and rules of the new system to the old cases, if indeed the new system is to be allowed to function unadulterated by remnants of the old system. The Secretary-General appears to propose that cases transferred into the new system of administration of justice will be handled in accordance with the statute of the United Nations Administrative Tribunal (A/62/782, para. 84).

Role of the Internal Justice Council

118. Staff representatives are gravely concerned about the independence of the new justice system. The Internal Justice Council was supposed to be the guarantor of the independence and expertise of the envisaged reformed justice system. The Secretary-General has interfered in the nomination of the staff representative to the Council and has proposed to weaken the role of the Council. He has drafted the statutes that he would like to present to the General Assembly without the courtesy of having the Internal Justice Council review them. Staff representatives urge the General Assembly to allow a truly independent Internal Justice Council to play its proper role, as established in paragraph 36 (d) of Assembly resolution 62/228, so that it may provide its views on the draft statutes, especially in relation to jurisdictional matters pertaining to human resources management, without interference by the Secretary-General.

Implementation of the new system of administration of justice

119. The Secretary-General and his senior officials have compromised the independence in the selection process of the members of the Internal Justice Council

by interfering in the nomination of the staff's representative and distinguished jurist. In its resolution 61/261, the General Assembly decided to establish a new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice. In this regard, the Assembly decided, in its resolution 62/228, to establish a five-member Internal Justice Council consisting of a staff representative, a management representative and two distinguished external jurists, one nominated by the staff and one by management, and chaired by a distinguished jurist chosen by consensus by the four other members. The intent of establishing the Council was to have an independent body that could ensure independence, professionalism and accountability in the system of administration of justice.

120. To assure its independence right from its inception, it is staff representatives' interpretation that the selection of the members of the Internal Justice Council would be unencumbered by conflict of interest between the interested parties, namely the staff and management. The General Assembly requested the Secretary-General to present proposals on the process to be applied for the selection of the members of the Council and the judges (resolution 61/261, para. 32; see also A/61/815, para. 48). Ideally, an independent panel should have elaborated all the details requested of the Secretary-General. Nonetheless, the Secretary-General's report on the administration of justice (A/62/294) did not specify how the nomination of members of the Council would be done.

121. Instead, the Deputy Secretary-General invited the Vice-President of the Staff-Management Coordination Committee to submit the names of a staff member and an external jurist to be designated by the staff to serve as representatives on the Internal Justice Council under the aegis of a "contact group" established by the Coordination Committee. The Staff Union remonstrated to the Secretary-General against the use of the Coordination Committee mechanism to nominate members of the Internal Justice Council because, besides being a joint staff-management body, the Coordination Committee does not include all staff specified in the scope of the new administration of justice (General Assembly resolution 62/228, para. 7). The use of the Coordination Committee mechanism in this regard disfranchised those staff members not represented at the Committee.

122. Staff representatives, under the auspices of the United Nations International Civil Servants Federation, nominated and conveyed to the Secretary-General the two designees for appointment to the Internal Justice Council. Staff representatives were taken aback by the announcement on iSeek that the "Secretary-General has approved the appointment of four members of the new Internal Justice Council", which did not include one of the nominees they had forwarded to the Secretary-General. That nominee has since challenged the Secretary-General's decision through the existing justice machinery but the Secretary-General claims that his decision to approve the appointment of the members of the Internal Justice Council is not an administrative one that can be challenged.

123. Staff representatives have also lodged a formal objection to the Secretary-General regarding the selection process for the Ombudsman, which the Deputy Secretary-General undertook without the input of staff representatives. Furthermore, the Secretary-General's appointment to the Internal Justice Council of a long-time insider, who worked in the discredited justice system, has put in doubt

the objectivity and independence of the Council as well as the new system of administration of justice.

124. Staff representatives kindly request the General Assembly to review and reconsider the process, up to this point, of the implementation of the new system of administration of justice and its likely impact on human resources management. Staff representatives would like to be in a position to assure our colleagues that they should have confidence in all aspects of the implementation of the new system of administration of justice. Unfortunately, taking into account the above ruminations, staff representatives are not in a position to do so.

Selection of the new Ombudsman

125. The Deputy Secretary-General presided over the selection of the Ombudsman without the input of staff representatives from the United Nations Staff Union. The Staff Union leadership had earlier met with the Deputy Secretary-General and impressed upon her the imperativeness of the Staff Union's participation in the selection of such an important official. It was on 8 January 2008 that the Deputy Secretary-General placed a telephone call to the President of the United Nations Staff Union to inform him of the just-concluded selection of a new Ombudsman. In an immediate letter to the Deputy Secretary-General, the Staff Union President immediately lodged a formal objection in respect of the selection process. The then Under-Secretary-General for Management subsequently held a meeting with the Staff Union leadership on 20 February 2008 to determine a way forward regarding the selection of the new Ombudsman.

126. At that meeting, the Staff Union leadership reiterated the objections presented to the Deputy Secretary-General, in particular, subjecting the selection process to the Staff-Management Coordination Committee mechanism that did not cover all staff who would be affected by the new system of administration of justice. The leadership stated that it was improper to exclude a Staff Union that represented a significant number of staff, if not the largest number, within the scope of the new system of administration of justice. It would also undermine the staff's confidence in the role of the Ombudsman if the new Ombudsman, based in New York, was selected without the involvement of the New York staff. The Staff Union leadership pointed out the impropriety of selecting a new Ombudsman, who would be working within the framework of the new system of administration of justice, under the old terms of reference. Moreover, it was improper to begin a process to select the new Ombudsman in October 2007 amidst the consideration of a new system of justice by the General Assembly. The Staff Union leadership expressed its wariness of situations where future errors and problems associated with or emanating from the Ombudsman's role would be attributed to the selection process, and the attendant mounting disinclination to use the informal component of the new system of administration of justice. The Staff Union leadership emphasized the need to do it right from the start. It requested that the appointment be set aside and the entire process be re-done with terms of reference consistent with the new system of administration of justice and with the involvement of representatives of all staff that would be covered by the new system.

127. The then Under-Secretary-General for Management expressed curiosity about other mechanisms that the administration could use to encompass all staff unions and associations. She asked the Staff Union leadership to meet with the person who

was being considered for the post of Ombudsman, which they declined. The then Under-Secretary-General for Management indicated that it would be difficult to start the process all over again as it would lead to delays in implementing the General Assembly resolution. She said that she would convey the concerns, objections and proposals of the Staff Union leadership to the Secretary-General. Nonetheless, on 14 March 2008, the Secretary-General announced the appointment of the new United Nations Ombudsman, at the level of Assistant Secretary-General. The Staff Union issued a press release on 20 March 2008 wherein it protested the flawed appointment process.

128. The Secretary-General has now reported that "in selecting the new Ombudsman ... a selection committee consisting of staff and management representatives as well as outside ombudsmen was established" (A/63/283, para. 8). This is a claim that puts into question the veracity of the report of the Secretary-General.

V. Recommendations

129. The foregoing litany of human resources problems points to a need to overhaul the entire human resources management framework in order to attune the aspirations of staff members with the Organization's goals and the demands placed upon it.

Recommendation 1
Establish a redesign panel on human resources management and development

130. The General Assembly should do for human resources management what it did for the internal justice system: it should ask the Secretary-General to establish an independent redesign panel on human resources management and development.

Recommendation 2
Reactivate conversion to a permanent contract

131. In the meantime, the staff must be freed from the bondage engendered by the current staff selection system by reactivating the consideration of fixed-term staff for conversion to permanent contracts, in line with the Charter: staff members should be freed from political and other influences; from ingratiation with their supervisors.

Recommendation 3
Review the role of central review bodies

132. The role of central review bodies should be made similar to the role of the Senior Review Group (see ST/AI/392). The procedures of the Senior Review Group for the filling of posts at the Director (D-2) level are expansive compared to the current functions of the central review bodies. They contain the necessary checks and balances that are lacking in the terms of reference of the central review bodies. For example, it is the Senior Review Group's responsibility to ensure that all qualified candidates are given due consideration. The head of the department or office concerned is invited to make a presentation to the Senior Review Group. After deliberation, the Group prepares a short list of all fully qualified candidates in ranking order and submits it to the Secretary-General for final decision. Should the names put forward by the Group not include the candidate recommended by the

department or office concerned, the recommendations of the Group, together with the views of the head of the department or office, are forwarded to the Secretary-General for a decision.

133. There is need to consolidate the functions of human resources management under one roof and to provide adequate personnel resources and materiel. Considering the amount of resources and assets that the Office of Human Resources Management is tasked to manage, such consolidation should be done under an autonomous Department of Human Resources Management and Development. Consideration should be given to sourcing qualified candidates from an independent pre-screening agency. The proposed roster-based staffing process should be limited to internal candidates even as a pilot roster-based approach for selection of external candidates is established for a period of two years.

Recommendation 4
Transparent merit-based recruitment process

134. If the United Nations is to have a versatile workforce, the recruitment process should be objective and merit-based, the workforce structures should be integrated and reshaped and ample resources should be invested in training. The recruitment process for temporary posts should be as rigorous as the recruitment for long-term employment since a majority of staff recruited for temporary assignments eventually stay longer. The United Nations must have a well-resourced training wing to help in honing the staff's skills attuned to an ever-changing world. The United Nations University and, especially, the United Nations System Staff College are poised for the training task but the Staff College laments that its "vision will be realized" when the Staff College "is recognized as an important, valuable and visible asset to the United Nations family of programmes, funds and agencies, concentrating on United Nations reform and other system-wide priority areas".

135. Training programmes should be linked to performance management and career development. Staff should be required to meet prescribed benchmarks within statutory time-limits to qualify for recognition, career advancement, entitlements and benefits. Each department should be required to provide biennial outlays for training activities.

136. Salaries should be reviewed to reflect the varied risks and responsibilities incurred or encumbered in performing certain functions. In addition, a merit-based system that rewards high performers could encourage rewardable behaviour, improve efficiency and enhance quality output. Performance payouts, on top of salaries that are apace with the cost of living, could attract and retain a quality workforce. Staff members who receive a rating of at least "frequently exceeds performance expectations", for example, could receive a raise equal to the system-wide pay and attendant adjustments, plus performance-based raises or bonuses.

Recommendation 5
Checks and balances in performance management

137. Implementing a 360-degree evaluation could foster teamwork and accountability to one another and reduce working at cross-purposes. Senior staff and supervisors would receive anonymous reviews from their peers and subordinates. Forced distributions for performance ratings must be strictly forbidden. Checks and

balances should be built into the performance appraisal system. A performance rating given to a staff member by the first reporting officer could be reviewed, with the consent of the concerned staff member and with departmental approval, by a pool of managers who are not in the staff member's direct line of supervision.

Recommendation 6
New unified workforce structure

138. Staff representatives propose a unified workforce structure divided into three career groups: supervisory; professional; and technical and administrative support. Integrating the Professional and General Services and related categories into one structure and collapsing the grades and steps into broad pay bands would bring the United Nations workforce into line with the demands and expectations of a modern workforce. It would make the United Nations competitive in attracting talented and skilled employees.

139. Although the collapse of the workforce structure into pay bands would result in only one or two promotions in an entire career, it would, coupled with training programmes, allow for the promotion of staff members who do not plan to become managers. Alternative reward mechanisms and recognition systems should be devised to compensate for the loss of promotion by grade and step and recognition measures that broad banding would replace. It is likely that there are other costs to broad banding besides money that are yet to be determined. Staff representatives propose, therefore, a pilot programme of limited duration be created for selected departments or programme areas.

Recommendation 7
Increase the age at retirement

140. Staff representatives earnestly request the General Assembly to increase the age of retirement beyond the current limits, to at least 66 years, without prejudice to staff who wish to retire at the age of 60 or 62, in view of the number of impending retirements (see A/62/628) and the fact that the mandatory retirement age does not apply to senior officials in positions of Assistant Secretary-General and above, including the Secretary-General. Already, programme managers routinely but selectively rehire retirees and/or retain imminent retirees for various reasons.[5] Indeed, this concern has informed the sentiment against re-hiring retirees or extending the contracts of imminent retirees beyond the retirement age. However, sentiments against retirees and imminent retirees are misguided. Such sentiments do not take into consideration the age at entry on duty; pension contributions and demands on the Pension Fund; increasing life expectancy at the age of 60; comparative age at retirement among Member States, including the comparator country; and, in the absence of effective succession planning, the time required to transmit institutional memory to protégés.

141. The United Nations mostly recruits candidates with specialized skills, often with advanced degrees and a proven record of accomplishment before they join the

[5] During the 2006-2007 biennium, 272 staff members were retained beyond the mandatory age of separation; up from 222 staff retained during the 2004-2005 biennium. The number of retirees hired in the 2006-2007 biennium was 979, that is, almost double the number of retirees (488) hired during the 2004-2005 biennium. That was in addition to the 232 former staff members aged 60 years or older who were re-employed after opting for a withdrawal settlement.

Organization. The relatively older ages at entry on duty limit their contributions to a higher pension bracket even as their early retirement at age 60 or 62 draws on the Pension Fund for a long period after retirement. Programme managers could therefore retain some imminent retirees, for humanitarian reasons, to enable them to accumulate more months of contributory service with the Pension Fund or reach the 10-year requirement for after-service health insurance or the 15-year residency requirement to gain permanent residency in the United States of America. However, there are also many instances when retirees or imminent retirees are critically needed because of the invaluable institutional memory they possess. Yet the United Nations lags behind many Member States that have increased the age of retirement, having taken into consideration the increase in life expectancy and the savings generated by the postponement of disbursement of pension benefits. The statutory or legal retirement age (the official age for full pension entitlements) is at least 65 years in the United States and in more than half of the States in Europe and South America.

142. According to the United Nations Joint Staff Pension Fund, the change in the retirement age from 60 to 62 in 1990 has resulted in savings to the Pension Fund of millions of dollars per year and these savings will continue to be realized year after year. A further increase in the normal retirement age will be actuarially favourable for the Pension Fund and would certainly result in additional significant savings because the Fund will continue to receive pension contributions from those staff choosing to remain in active service beyond 60 or 62; conversely, pension benefits will be paid out for shorter periods.

143. For United States nationals and residents working for the United Nations, retiring at age 62 has financial and health implications lasting for at least three years. Because the current retirement age in the United States is 66, United States nationals and residents will not receive full social security benefits until that age. They are also not eligible for Medicare health insurance until age 65. Similar situations may pertain for United Nations employees from other countries where the statutory retirement age is older than 62. Besides, staff members are at a considerable disadvantage when they are compelled to retire at age 60 or 62 with a contributory service that places them in a lower pension bracket. Yet it can be difficult to find a new job at age 62, in particular in a home country from which the staff member has been absent for a long period.

Recommendation 8
Staff exchange programme

144. A staff exchange programme among United Nations agencies and departments for limited durations and the expansion of the sabbatical programme are two measures which, when fused with career progress benchmarks and underpinned by career mapping, could improve skills, lift staff morale and bring to bear best practices.

Recommendation 9
Staff recognition and motivation

145. Insofar as a happy staffer makes for increased productivity and improved quality, the United Nations should devise recognition systems for staff who demonstrate exceptional qualities in areas such as leadership, innovation,

improvement in performance, interpersonal skills and attendance. For example, gestures such as publishing the names of the contributing staff on United Nations publications and giving long-service awards can be invaluably gratifying.

146. The benefits system must be just that; it should not shape behaviours that do not serve well the staff and the Organization. Entitlements and benefits should be configured to allow the staff considerable latitude in making career path choices and balancing life and work issues. It is uninviting, for example, to deny an allowance to parents with young children; it is beholding to grant education allowances to college-going children of only active serving staff members. A choice could be offered to grant toddlerhood allowances in lieu of the education grant for college education, or a partial education grant could be guaranteed when a staff member separates from the Organization after a specified period of service.

Recommendation 10
Harmonizing conditions of service

147. Staff representatives agree that the conditions of service should be harmonized immediately. It is unconscionable to have disparate compensation, benefits and entitlement schemes among staff performing similar functions. It is worse to underpay those working in difficult field conditions simply because the funding sources for the functions they perform are different. While it is noble, the streamlining of contracts should await the establishment of a unitary recruitment policy and a review of the impact that the streamlined contracts might have on funding sources, posts subject to geographical distribution and gender balance. In the meantime, colleagues on contracts under the 200 and 300 series of Staff Rules should be given priority in recruitment to 100 series posts that become vacant.

Recommendation 11
Selection of senior officials is crucial

148. As the Joint Inspection Unit has aptly observed, the management culture and mindset at the United Nations will not improve unless the selection criteria, terms of office and policies pertaining to and modalities for appointment of senior officials, especially at the D-2 level, are reviewed (see JIU/REP/2000/3). Semi-political protégés are likely to be sensitive to the wishes of their benefactors. The recruitment of senior staff should be based on proven competence in the relevant fields, without prejudice to geographical distribution and gender balance. The candidates for senior level posts could be assessed by the staff they seek to supervise. The candidates could be invited to make a presentation to the prospective supervisees. There is also a need to balance recruitment of senior staff from within and recruitment from external sources. A well-designed succession planning programme would help in the identification of internal candidates. Political influences in the selection of senior staff can be contained by establishing an independent senior staff selection commission.

Recommendation 12
Review staff-management relations

149. It is imperative to review the staff-management mechanisms for addressing human resource management practices and the issues relating to staff welfare, including conditions of employment and general conditions of life. The current

Secretariat-level mechanism is not only illegally constituted but it is also moribund. Already, the Joint Negotiation Committee appears to be a farce. The staff request to be engaged, from the bottom up, in formulating policies that have an impact on them; that the Staff Regulations and Rules be followed and enforced; that agreements reached be implemented; and that all staff members be obligated to accept responsibility or to account for their actions. Regrettably, management's condescending mindset towards staff representatives continues to prevail.

VI. Conclusion

150. There are attempts to streamline the United Nations; to make it function as one. It is a noble concept but it ignores the Charter, which provides for separate, albeit not exclusive, organs. It ignores, too, the funding realities, which require serious consideration.

151. Staff representatives have often heard that the United Nations faces new challenges that require a versatile, multi-skilled staff, ready to work anywhere at short notice. What is muted, though, is what the Organization is willing to do for its staff's welfare and working conditions. The staff's willingness to work for the Organization is not in doubt, having left their home countries to work in distant places; some have even fallen in the service of the Organization.

152. The Organization's senior officials should live up to their oft-repeated assertion that the staff are the Organization's most important asset. The staff need to be treated first and foremost as human beings, with dignity. There is a tolerance limit to the abusive discretionary authority; to the insecurity engendered by short-leash, short-term contracts; to the life/work limitations imposed by a host country; and being rendered obsolete. Staff representatives call for a new approach to human resources management at the United Nations that attracts the best candidates and nurtures, recognizes and appropriately rewards the staff. Staff representatives call for a review of the host country agreements to make staff feel welcome and live their lives to their full potential.

Annex

Views of the staff representatives of the United Nations Secretariat

[11 October 2006]

Summary

The present report provides views expressed by the United Nations Staff Union on the reform proposals outlined in the Secretary-General's reports entitled "Investing in the United Nations: for a stronger Organization worldwide" (A/60/692 and Corr.1), "Investing in people" (A/61/255) and "Human resources management reform" (A/61/228 and Corr.1).

The report also provides a comprehensive assessment of the current state of staff-management relations at United Nations Headquarters. It formulates specific recommendations on human resources issues, including recruitment, mobility, career development, gender and geographical distribution, contractual arrangements and harmonization of conditions of service, as well as outsourcing and staff buyout.

A significant part of the report and its recommendations addresses the reform of the system of administration of justice and accountability.

Contents

		Page
I.	Introduction	41
II.	Assessment of the staff-management consultative framework	41
III.	The United Nations system of administration of justice	44
IV.	Staff selection system	45
	Background	45
	Central review bodies	45
V.	Staff views on the Secretary-General's human resources reform proposals	47
	Proposal 1: recruitment, placement and promotion	47
	Proposal 2: mobility	48
	Proposal 3: staff development and career support	50
	Proposal 4: contractual arrangements and harmonization of conditions of service	51
	Proposal 11: new sourcing options	53
	Proposal 22: staff buyout	53
VI.	Other human resources issues	54
	Accountability	54
	Gender and geographical distribution targets	55
	Conditions of service	56
	Employment of retirees and consultants	56
	Pension matters	57
VII.	Conclusion	58

I. Introduction

1. A comprehensive and genuine human resources management reform is of utmost importance to ensure the effectiveness and efficiency of the United Nations so as to better meet the expectations of Member States and the entire international community.

2. Success in implementing a comprehensive reform of the United Nations Secretariat, and in particular an effective reform of human resources management, rests, to a great extent, on the active support and participation of all stakeholders — Member States, management and the staff.

3. The current climate and organizational culture of the Secretariat do not provide any constructive basis for achieving ambitious goals and priorities within the framework of the human resources management reform. Staff-management relations are undermined by mutual mistrust and misunderstanding. The existing structures, mechanisms and procedures, which should provide for credible staff-management consultations, are outmoded, irrelevant and often misused. There is no effective internal system of justice that has the capability to respond to the needs and concerns of United Nations personnel while protecting their rights. Furthermore, there are no credible mechanisms and instruments within the United Nations Secretariat to enforce and strengthen accountability.

4. In response to the vision set out by the Secretary-General in his report entitled "Investing in the United Nations: for a stronger Organization worldwide" (A/60/692 and Corr.1), the present report provides specific proposals on human resources issues, including recruitment, mobility, career development, gender and geographical distribution, contractual arrangements and harmonization of conditions of service, outsourcing and staff buyout, as well as on the reform of the system of administration of justice and accountability. In order to place these recommendations in the right context, the report also assesses the current state of staff-management relations within the Secretariat.

II. Assessment of the staff-management consultative framework

5. The United Nations Staff Union firmly believes that the full and active participation of staff representatives in formulating policies and procedures that affect the staff and its well-being benefits the Organization as a whole. Meaningful staff-management cooperation within various formal and informal bodies, in the early stages of policy development, would provide a useful framework whereby staff would have the opportunity to express their views and concerns as well as to present their proposals and clarify misunderstandings before any decisions are finalized.

6. The current staff-management coordination framework, including the Staff-Management Coordination Committee (SMCC), does not provide any meaningful role for representatives of staff and thus does not create a credible basis for consultations between staff and management.

7. In accordance with staff rule 108.2, SMCC is the joint staff-management machinery at the Secretariat level and is meant to be the Secretariat-wide mechanism for negotiations in good faith between staff representatives and

administration. Its role is, inter alia, to reach agreement on recommendations to the Secretary-General on policies and procedures regarding Secretariat-wide issues concerning staff-management relations and general questions of staff welfare, and to monitor the implementation of agreements reached. Its membership consists, inter alia, of nine persons at an appropriately high level representing the administration.[a]

8. For more than five years prior to the SMCC session in 2002, several agreements were reached. Their implementation, however, was selective in favour of issues proposed by management. Agreements on action, proposed by the staff representatives and signed by the Secretary-General, have remained unimplemented and/or partially implemented for many years.

9. The SMCC machinery itself has been downgraded by the Administration so as to render it ineffective. The staff representatives question the importance the administration attaches to the Committee, particularly when, according to the terms of reference, the representatives of the staff are at the highest level, whereas those of the administration are not. Since 1998, nearly every agenda of SMCC has included an item either on revising its term of reference or on the lack of respect for the mechanism itself.

10. The downgrading of the SMCC machinery and the lack of implementation of the agreements reached were largely responsible for the Staff Union's withdrawal from participation in SMCC, based on a decision taken by the staff at large on 16 April 2003. All other duty stations followed suit.

11. At the time, the decision to withdraw from SMCC was made, the Staff Union identified 127 outstanding SMCC agreements that had not been implemented by the Administration. After the staff's withdrawal from SMCC, the Coordinating Committee of International Staff Unions and Associations (CCISUA)[b] Assembly met in Beirut in December 2004 and requested the Secretary-General to establish a contact group under the provision specified in paragraph 10.1 of ST/SGB/2002/15. The contact group determined that only 13 agreements had been partially implemented or were in the process of being implemented.

12. In spite of withdrawing from SMCC, the staff representatives in New York continued participating in the Joint Advisory Committee. However, the difficulties regarding the implementation of SMCC agreements permeated the Joint Advisory Committee as well, not incidentally, but by virtue of the provision in section 10.2 of ST/SGB/2002/15 that "local advisory committees shall review and monitor the implementation at their duty station of decisions based on SMCC recommendations". The lack of effectiveness of the Joint Advisory Committee is illustrated in its record of the past two years, during which time there have been no agreements on any substantive issues.

13. In March 2006, the Secretary-General issued a report entitled "Investing in the United Nations: for a stronger Organization worldwide" (A/60/692 and Corr.1), which set out his reform measures that, if enacted, would have an unprecedented

[a] ST/SGB/2002/15.

[b] The Coordinating Committee of International Staff Unions and Associations is a federation composed of United Nations system staff unions and associations committed to an atmosphere of constructive cooperation to provide equitable and effective representation of staff in those members at all levels. CCISUA primarily represents their interests in inter-agency bodies that make decisions and recommendations on conditions of service.

impact on staff. The New York Staff Council met soon after with the Secretary-General and expressed its concern that, given the envisaged impact on staff, the Secretary-General should have consulted with staff representatives before issuing the report. The Secretary-General acknowledged openly in meetings with the Staff Council and the staff at large that, indeed, staff had not been consulted.

14. While little effort had been made to address the legitimate concerns of the staff, which led to their withdrawal from SMCC between 2002 and 2005, after the issuance of the Secretary-General's report (A/60/692 and Corr.1), the Administration suddenly found it imperative that SMCC reconvene. It is noteworthy that the Administration did not seek to resolve the underlying issues that led to the withdrawal of the staff from SMCC, but rather sought to use the SMCC machinery expediently to advance the report. The Administration did not engage elected staff representatives in the process; it elected to bypass them and carry out intensive information campaigns and town hall meetings with the staff at large, at several duty stations, to promote the Secretary-General's reform measures.

15. On 7 June 2006, prior to the twenty-seventh session of SMCC, the newly elected leadership of the United Nations Staff Union met with the Secretary-General and requested him to consider implementing a couple of the most important outstanding agreements reached at the twenty-sixth session of SMCC, in 2002, as a goodwill gesture.

16. The Staff Union subsequently received a written communication from the Deputy Secretary-General dated 12 June 2006, which reiterated that the Secretary-General was not agreeable to implementing the outstanding agreements from the twenty-sixth session, but indicated that he would consider implementing those agreements if SMCC recommended them again at its twenty-seventh session. The timing of the Deputy Secretary-General's response did not allow sufficient time for the Staff Union to call a general meeting of the staff, as required by its statute, prior to the start of the twenty-seventh session, on 19 June 2006. The Staff Union questioned the necessity and logic of reopening bona fide agreements that had been previously reached at the twenty-sixth session and approved by the Secretary-General. The Staff Union construed this as an attempt to coerce the Union into attending the twenty-seventh session, at which only the Secretary-General's reform proposals would be discussed.

17. Despite the staff's participation in the SMCC machinery remaining suspended, the Staff Union continued to forge better staff-management relations, particularly when the General Assembly decided that the Secretary-General should appoint a panel of external and independent experts to consider redesigning the system of administration of justice at the United Nations (resolution 59/283).

18. The Staff Union participated in the nomination of experts to the Redesign Panel, which was established by the Secretary-General in January 2006. The Staff Union commissioned its own team of experts to review the system for administering justice within the United Nations and to make recommendations for reforming that system to the Redesign Panel.

Staff recommendation

19. The Fifth Committee may wish to consider requesting the Secretary-General to redesign the staff-management machinery to bring it into line with modern business practices and change the organizational culture of staff-management relations.

III. The United Nations system of administration of justice

20. In July 2006, the Redesign Panel submitted its report on the United Nations system of administration of justice to the Secretary-General, which was issued as A/61/205. The Redesign Panel found that "effective reform of the United Nations cannot happen without an efficient, independent and well-resourced internal justice system that will safeguard the rights of staff members and ensure the effective accountability of managers and staff members" (summary, third para.).

21. The United Nations Staff Union and the overwhelming majority of the staff membership of SMCC have, under the auspices of CCISUA, since endorsed the report of the Redesign Panel and the recommendations contained therein. Nonetheless, the Secretary-General has indicated that a special session of SMCC will be convened to consider the Redesign Panel's recommendations (A/61/228, para. 213). The intent behind convening such a session is highly suspicious, given the endorsement of the Redesign Panel's report by CCISUA. The Staff Union is wary that the intent of the administration is to use the special SMCC session to dilute the recommendations of the Redesign Panel.

22. The Staff Union urges the General Assembly and its relevant Committees to expedite the implementation of the new internal justice system recommended by the Redesign Panel. Without such a justice system, it will be as difficult as it has been in the past to effectively reform the Organization.

23. As the Redesign Panel found that the current system of justice has failed "to meet many basic standards of due process established in international human rights instruments" (A/61/205, para. 5), CCISUA recommends that the General Assembly institute an interim system of binding arbitration to resolve pending cases, as well as those arising prior to the full implementation of the Redesign Panel's report.

24. The Staff Union considers that an efficient, independent and well-resourced internal justice system, together with a revised set of staff rules and regulations, is the only recourse that will foster all of the reform measures, especially accountability and human resources management. An independent justice system is integral to an effective staff-management machinery that will ensure that the rights of staff are protected and enhanced. The reform of the internal justice system is at the heart of all reform measures.

25. The implementation of reform measures that will have an impact on staff should await the full operation of the new internal justice system.

Staff recommendation

26. The staff strongly recommends that the Committee consider endorsing the proposals of the Redesign Panel and authorizing the establishment of the new system of internal justice.

IV. Staff selection system

Background

27. Before the current staff selection system was established, the Appointment and Promotion Board had the responsibility for advising the Secretary-General on staff selection decisions. There was also an Appointment and Promotion Committee that dealt with staff selection cases in the Professional category up to the P-4 level and an Appointment and Promotion Panel that dealt with cases of the General Service and related categories. Both the Appointment and Promotion Committee and the Appointment and Promotion Panel were subordinate to the Board, which had the responsibility for reviewing their recommendations if they were not unanimous.

28. These bodies were not bound by departmental recommendations to appoint or promote a particular staff member. They had the authority to look at all collateral candidates to make sure that a more deserving candidate was not overlooked in any recommendation before them. Candidates who believed that they had been overlooked were allowed to file recourse actions to trigger the review mechanism. The Board, the Appointment and Promotion Committee and the Appointment and Promotion Panel could recommend a candidate other than the one put forward by the programme manager.

Central review bodies

29. The new staff selection system introduced in 2002, by administrative instruction ST/AI/2002/4, is predicated on one fundamental principle: that programme managers are responsible for taking the final decision on the selection of staff. The new staff selection and placement system gave authority to the individual programme manager to select staff; it reduced the role of the central review bodies to monitoring procedural aspects of the recruitment and promotion processes. As the Secretary-General has often stated, the staff of the United Nations are its greatest asset. We might add that equally important is staff morale. Therefore, the decision to select a staff member for a post is too important to leave to one individual, particularly without an effective system of accountability.

30. The Staff Union has voiced to the management its concerns about the limited role of the central review bodies. As indicated in paragraphs 28 and 29 of the note by the Secretary-General transmitting the views of the staff representatives of the United Nations Secretariat (A/C.5/59/4), a resolution adopted at an extraordinary general meeting in April 2003 expressed no confidence among the staff at large in the central review bodies and requested an immediate withdrawal of the Union's support for those bodies. Since June 2004, the Staff Union has declined to submit new nominations for members representing the staff on the central review bodies. The central review bodies now consist only of management representatives, as acknowledged in information circular ST/IC/2006/32.

31. In its resolution 59/266 the General Assembly, emphasizing the importance of the participation of staff representatives in the work of the central review bodies, requested the Secretary-General to make proposals to amend the terms of reference of the central review bodies as necessary in the light of experience. Regrettably, not only have such proposals not been made by the Secretary-General, but he also

indicated in paragraph 81 of A/61/228 that "no substantive change is required for the terms of reference of central bodies".

32. This opinion of the Secretary-General is based on only one perspective, presented in paragraph 80 of the same report, on the need to change the terms of reference of the central review bodies. It flatly contradicts views of the majority of staff and demonstrates unwillingness on the part of the Secretary-General to comply with the General Assembly's request, in its resolution 59/266, to amend the terms of reference of the central review bodies. It demonstrates a pattern, from which the request emanated, of either selective implementation of General Assembly resolutions or contradictions between the resolutions and administrative instructions.[c] This pattern is reflected in the Secretary-General's report A/61/255, which states that "to comply with the General Assembly's request in its resolution 59/266 ... to make proposals to amend the terms of reference of [central review] bodies, the Office of Human Resources Management has provided training to members of central review bodies, and issued guidelines to facilitate their work" (para. 38).

33. The staff are dismayed that in the latest report of the Secretary-General on human resources management reform (A/61/228 and Corr.1) the new staff selection system is again presented as "the outcome of extensive consultations with staff and management throughout the Secretariat" (para. 50), even though the Staff Union has, on numerous occasions, pointed out that the views of staff on this matter were not taken into account by the management. In his reports A/61/228 and Corr.1 and A/61/255, the Secretary-General still describes the central review bodies as a joint staff-management mechanism, which contradicts the acknowledgement in information circular ST/IC/2006/32, dated 17 August 2006, that "the Staff Council continued to implement its decision to withdraw staff support for the central review bodies and not to comply with a request from the Office of Human Resources Management for selection of members and alternates" (para. 1).

34. The staff representatives expect the Secretary-General to comply with the request of Member States to make proposals to amend the terms of reference of the central review bodies and to take into account the views of staff in doing so. In the meantime, the resumption of staff participation in central review bodies will remain pending.

Staff recommendations

35. The Committee may wish to request the Secretary-General to engage staff representatives in reviewing the terms of reference of the central review bodies.

36. The Staff Union recommends further that the Committee defer its consideration of a new recruitment system until such time as a new internal justice system that enforces accountability is in place.

---

[c] The General Assembly's request for a change in the terms of reference arose from a fundamental contradiction between ST/AI/2002/4 and A/55/253 and Corr.1, which brought into question the legitimacy of the new staff selection system. A pivotal concern of the United Nations Staff Union is that while the relevant legislative documents (A/55/253 and Corr.1 and General Assembly resolution 55/258) clearly provide for the ranking of candidates and the logical selection of the top-ranked candidate, the implementing document (ST/AI/2002/4) requires programme managers to transmit their proposal for one candidate or, preferably, a list of qualified, unranked candidates to the appropriate central review body.

V. Staff views on the Secretary-General's human resources reform proposals

Proposal 1: recruitment, placement and promotion

37. Prior to 2002, seniority and other verifiable factors, such as education and total experience, were emphasized. In most cases, three to five years in grade were required before a staff member was eligible for promotion. Eligibility requirements used by the United Nations for decades were not a hindrance to promotion; rather, they offer useful guidelines that discourage managerial abuses and errors.

38. Under the new staff selection system, performance has become the leading factor in promotion exercises. The seniority requirement has been reduced to as little as one year. It is curious that a system that operated well prior to the introduction of the new staff selection system and the electronic staffing tool, Galaxy, is now reported to be hampered by excessively complex internal eligibility requirements (A/61/255, para. 62). This dramatic change of personnel policy may have its advantages in some cases, but its significant disadvantages have already become apparent and will become more prominent in future. It is the view of the Staff Union that its disadvantages outweigh its merits.

39. Under the new staff selection system, it is not performance itself but actually the opinion of a manager about the performance of a staff member that has become the primary if not the only factor behind all promotions, and this has led to an escalation in the number of cases that are perceived by staff as arbitrary decisions and managerial abuses. Managerial abuses and mistakes are facilitated by the terms of reference of the new central review bodies, which have deprived staff representatives of their former right to examine substantive issues and individual qualifications during promotion exercises.

Use of rosters of pre-screened candidates

40. The Secretary-General has proposed that in order to expedite recruitment, rosters would be used as the primary instrument for recruitment, placement and promotion for vacancies throughout the Secretariat, including in the field. The use of rosters is already in effect. Candidates endorsed by a central review body for a particular vacancy but not selected for it, who have indicated an interest in being considered for selection for a future vacancy with similar functions at the same level, are placed on the rosters. Within one year such candidates may be selected for similar vacancies without further reference to a central review body. Reports of the Secretary-General touting the advantages of these rosters (including the latest report, A/61/228 and Corr.1) have failed to indicate the actual number of staff members who have been selected through the rosters; it is widely known in the Secretariat that the system of rosters is simply not working.

41. While the Staff Union welcomes the Secretary-General's proposal to accept applications from qualified staff at any level in the General Service and related categories for P-2 posts that are not subject to geographical distribution (A/61/255, para. 84), it does have some concerns about the proposal to eliminate eligibility restrictions based on contractual status, category, location or duration of service. The Staff Union notes that the restrictions currently in place are applicable to staff not recruited through the normal process, and the removal of all restrictions would

legitimize circumvention of the established recruitment process. The Secretary-General should also make a provision to get the roster cases through the pipeline before assigning any posts to General Service staff who did not pass the G-to-P examination; otherwise the new recruitment policy could squeeze rostered candidates out of placement opportunities.

42. Staff representatives also invite the Secretary-General to consider other types of posts for the promotion of G-to-P rostered candidates, such as P-2/P-3 posts vacant due to mission assignment, posts funded by trust funds or other United Nations agencies, general temporary assistance posts and temporary P-2/P-3 posts waiting to be filled. This temporary period of assignment could be added to another temporary assignment in order to facilitate the promotion of the staff member to the P-2 level. The current practice of hiring external candidates for P-2/P-3 positions on 11-month contracts should be discontinued, in order to place internal P-2 applicants and rostered G-to-P candidates.

43. It is implied in the Secretary-General's proposal regarding the movement of staff from General Service to Professional posts at the P-2 level that staff members receiving such a promotion would not retain any lien on any post in their former department or office. In this regard, it is crucial for staff to have a provision that, should a non-geographical P-2 post be discontinued, the staff member who was promoted to that post from the General Service category would get a regular P-2 post through the managed reassignment programme.

44. For the sake of fairness, and notwithstanding reservations expressed by staff representatives from other duty stations at the twenty-seventh session of SMCC, the Staff Union also supports the intention of management to eliminate the provision that allowed field staff to apply for posts two levels higher than their current grade level.

45. Regarding the proposal of the Secretary-General to reduce the advertising time for vacancy announcements to 30 days, the Staff Union is of the view that the long recruitment time is due to factors other than the advertising time. Reducing the advertising time in an effort to speed up the recruitment process would be at the expense of the staff, who would have less opportunity to apply to posts.

Staff recommendation

46. The Committee may wish to request the Secretary-General to amend administrative instruction ST/AI/2002/4 in order to take into account the concerns of staff regarding the present imbalance between objective and subjective factors affecting promotions, the terms of reference of staff representatives in central review bodies, mobility requirements for promotion and non-application of the 15-day rule and 30-day rule for placement and promotion purposes.

Proposal 2: mobility

47. The five-year post occupancy time limit introduced into the staff selection system (ST/AI/2002/4) in May 2002 will come into effect in May 2007. The new mobility policy will require staff to participate in managed reassignment exercises. In its resolutions on human resources management (resolutions 55/258, 57/305 and 59/266) the General Assembly has repeatedly stated that mobility is encouraged in

all categories of Professional and higher-level posts. It must be emphasized that the General Assembly says "encouraged", not "required". The resolutions are silent on mobility of staff in the General Service and related categories.

48. As the Organization does not yet have any experience with the mobility policy introduced in May 2002, it seems somewhat premature to the staff to institute a new mobility policy. Without that experience, there is no way to analyse the practicality or the strengths and weaknesses of the current system. The staff are concerned that the proposal to give the Secretary-General authority to move staff wherever they are needed may be abused, and adequate safeguards are needed. In the view of the Staff Union, the move of a staff member by the Secretary-General should be made with the concurrence of the staff member concerned, particularly if the move would have a negative impact on a staff member's career or involve a move to different geographic location. The Staff Union is also of the view that the authority of the Secretary-General to move staff wherever needed is inconsistent with the approach taken by the Organization that the staff member is responsible for managing his or her own career.

49. The strict enforcement of post occupancy time limits appears to the staff to be mobility for the sake of mobility, without regard to the relevance that such time limits have on the functions being performed or programme delivery, the need to retain institutional memory and continuity, its impact on work life issues and the absence of a structured career development system that would justify the movement.

50. The Staff Union is also concerned at the lack of adequate safeguards and an efficient, independent and well-resourced internal justice system to ensure that mobility is not misused for the purpose of unfairly separating staff members, particularly staff holding contracts that provide little security, such as fixed-term appointments.

51. The requirement proposed in paragraph 51 of the Secretary-General's report A/61/228 that "staff members move laterally to different functions as a prerequisite to promotion to the P-5 level" is not only discriminatory but may also result in selectivity issues that are detrimental to the Organization. Since no correlation can be shown between mobility and competence in a particular function, the requirement of at least one move before promotion to P-5 may select out for promotion competent people who do not fit the mobility profile and select in less competent but more mobile staff, including staff members who have been transferred often because of substandard performance. The result of such a promotion system would be in direct contravention of Article 101 of the Charter of the United Nations.

52. The introduction of mandatory lateral moves as a precondition for promotion to the P-5 level is discriminatory against a particular category of staff — those at the P-4 level. It is implied in the proposed policy that the policy will be especially relevant to this group of staff, but it may also allow staff at lower levels to be promoted to P-5 posts if the seniority requirements are removed, as proposed in paragraph 62 of A/61/255.

53. While we welcome mobility, it should be voluntary, not mandatory or required. A system of positive motivation, including financial incentives and accelerated promotions, should be introduced instead of the currently envisaged coercive and punitive elements of mandatory mobility. This would be in line with General Assembly resolution 55/258, section V, paragraph 1, in which the Assembly

requested the Secretary-General "to develop further criteria for mobility to maximize its benefits for the Organization and to ensure the fair and equitable treatment of all staff and to avoid its possible abuse as an instrument of coercion against staff, taking into account job security in the Organization and other relevant factors, such as an appropriate incentive scheme and assurances of onward assignment".

Staff recommendations

54. The Committee may wish to defer consideration of the reform proposals relating to mobility until such time as a proper assessment can be made of the current mobility policy and its effect on programme delivery and career development, and pending the establishment of a detailed strategy for managing mobility, including a relevant cost analysis as well as the establishment of an efficient, independent and well-resourced internal justice system as recommended by the Redesign Panel.

55. The Staff Union reiterates its recommendations contained in document A/C.5/59/4; the General Assembly may wish to request the Secretary-General to amend administrative instruction ST/AI/2002/4 in order to introduce a policy of voluntary but properly stimulated and rewarded mobility.

56. In the light of the forthcoming report of the Joint Inspection Unit on mobility in the United Nations, due at the resumed part of the sixty-first session of the General Assembly, the Staff Union requests the Committee to await that report before it considers the mobility issue.

Proposal 3: staff development and career support

57. The Staff Union welcomes the proposal of the Secretary-General to increase resources for staff development and career support. Staff members, many of whom pursue studies independently, would welcome increased assistance from the United Nations in this field.

58. The content and quality of the training programmes currently available, in the opinion of the staff, need to be vastly improved and made more relevant to the functions actually being performed. Those training programmes that are available in functions such as finance, human resources and procurement are so general in nature that they can only provide general knowledge but not build expertise in any given field. There is no measurable outcome of the training provided. There also appears to be a tendency to rely on off-the-shelf training programmes provided by private businesses that cannot easily be applied in the United Nations environment.

59. The Staff Union hopes that the Organization will improve the career development and training opportunities for General Service staff, which are currently very limited. The Staff Union further hopes that the Secretary-General will shift the training for Professional staff from the current emphasis on development of managerial capabilities to the development of substantive Professional skills.

Performance evaluation system

60. Among the primary purposes of the Performance Appraisal System (PAS) were to hold managers accountable for managing and motivating their staff and to have a

career development tool. The imposition of a bell curve defeats the purposes for which PAS was developed; it reduces it to a statistical tool.

61. The staff are concerned about the current rebuttal process, where only the performance rating can be reviewed and there is no provision for the rebuttal of comments.

Staff recommendations

62. The staff recommends that the Committee support the proposal for increased training resources, while requesting that the Secretariat provide training courses that have measurable outputs and are directly relevant to the functions being performed.

63. The Committee may wish to request the Secretary-General to annually publish departmental training requirements and accomplishments as well as information on financial disbursements for training.

64. The Committee may wish to recommend that administrative instruction ST/AI/2002/3 be revised to provide for a comprehensive rebuttal of the PAS evaluation by the staff member concerned.

Proposal 4: contractual arrangements and harmonization of conditions of service

65. The Secretary-General proposes the introduction of one United Nations staff contract under one set of Staff Rules. While the use, for several decades, of different contractual arrangements for the different types of situations identified in A/61/228, paragraph 206,[d] and the attendant eligibility requirements and recruitment processes by the United Nations system has its own merits, what is objectionable is the inequity in the conditions of service after the staff members are recruited. The Staff Union is of the view that irrespective of the merits of using the different types of contractual arrangements, the Organization should strive for equity in the conditions of service at the common system level, including the benefits and entitlements. In this regard, the Staff Union welcomes the Secretary-General's goal of introducing greater equity for staff and adapting contractual arrangements to better serve the operational needs of the Organization while recognizing different types of situations. Notwithstanding any action that the General Assembly may wish to take, the Staff Union recommends that acquired rights of existing staff members for consideration of conversion to permanent contracts should be respected.

66. The recommendation of the Secretary-General to replace permanent contracts with open-ended continuing appointments (proposal 4 in A/60/692 and A/61/255) ignores the previous recommendation of staff representatives that "the introduction of continuing contracts would be an addition to career appointments, not a replacement for them" (A/C.5/59/4, para. 25).

---

[d] "To adapt contractual arrangements to serve better the operational needs of the Organization while recognizing different types of situations (i.e., stable, continuing work programmes and projects; sudden major surges in the volume and type of work, especially in peacebuilding, peacekeeping and humanitarian operations and including tasks of limited duration; seasonal fluctuations; and short-term requirements) and introducing greater equity for staff."

67. The Staff Union reiterates its position as stated in paragraph 25 of the note by the Secretary-General on the views of the staff representatives of the United Nations Secretariat on human resources reforms (A/C.5/59/4), and as agreed at the twenty-sixth session of SMCC, that the introduction of a continuing contract would be in addition to, and not a replacement for, career appointments. The Staff Union maintains this position, although it is noted that the staff representatives from other duty stations who attended the twenty-seventh session agreed to the management proposal to replace the permanent appointment with the continuing contract.

68. The Staff Union notes that under the proposed continuing contract, the Secretary-General could decide to terminate a continuing appointment without referral to a joint review body. In the view of the Staff Union, in the absence of a functioning internal justice system, there would not be sufficient safeguards to ensure that staff members' rights and due process are respected. The Union is also concerned that the replacement of career appointments with continuing appointments would compromise the independence of the international civil service.

69. The remarks of former Secretary-General Dag Hammarskjöld in his lecture entitled "The international civil servant in law and in fact", delivered before the Oxford Union on 30 May 1961, remain relevant today. In that speech, the former Secretary-General stated that a risk of pressure on an international official could be introduced, in a more subtle way, by the terms and duration of his appointment. A change from permanent contracts to a less secure form of contractual status would lead to an "intergovernmental civil service" where allegiance would shift from the Organization to individuals or Governments. The former Secretary-General argued that this would be in fundamental discord with Articles 100 and 101 of the Charter.

70. With regard to the proposal to harmonize conditions of service of staff in the field, the Staff Union will await the proposals of the Working Group established by the International Civil Service Commission on Entitlements of Internationally Recruited Staff Serving in Non-Family Duty Stations. The Working Group will submit its proposals to the Commission at its sixty-fourth session, in the second quarter of 2007.

Staff recommendations

71. The International Civil Service Commission is of the view that the conversion of contractual arrangements needs further study and careful analysis of lessons learned. The Staff Union agrees with the Commission that this issue should be further studied in view of the fundamental shift in the allegiance of the staff that the abolition of the permanent appointment would represent.

72. The Staff Union recommends to the Committee that permanent appointments be maintained in adequate numbers to form a core staff of international civil servants whose independence and impartiality are assured and who are thus able to act in accordance with Articles 100 and 101 of the Charter.

73. The Committee may wish to consider supporting the proposal to include a continuing appointment, in addition to the permanent appointment, for non-career staff who are not placed against established posts.

74. The Committee may wish to await the proposals of the Working Group established by the International Civil Service Commission on Entitlements of Internationally Recruited Staff Serving in Non-Family Duty Stations.

Proposal 11: new sourcing options

75. In its resolution 59/289, the General Assembly requested the Secretary-General to ensure compliance with the criteria for outsourcing stipulated in that resolution. These criteria include cost-effectiveness and efficiency, safety and security, and maintenance of the international character of the Organization. The reasons for the establishment of those criteria remain as valid today as they were when first adopted by the Assembly in its resolution 55/232. The Staff Union therefore notes with concern the proposal of the Secretary-General to relax the conditions for outsourcing services established by the General Assembly in resolutions 55/232 and 59/289. It is also a matter of concern that the Secretary-General's reform proposals depict outsourcing in uniquely positive terms, whereas extensive economic literature shows it to be a highly controversial and hotly debated subject.

76. An increase in the practice of outsourcing and offshoring would further erode the character of the United Nations international civil service. The relocation of some services to lower-cost duty stations should be carefully studied before any decisions are taken, and staff representatives believe that the excessively narrow and partial cost-benefit analysis, which seems to have weighed heavily on the preparation of the Secretary-General's reform proposals, has led to premature conclusions on the advisability of wider use of this way of delivering services within the United Nations system.

77. In his report A/60/692 the Secretary-General singles out the printing functions as "a suitable candidate for outsourcing" (para. 63) without due regard to the fact that, already, the printing of materials other than parliamentary documentation and reports that are confidential in nature is often contracted out because specifications are beyond the technical capability available in-house or because of certain deadlines. The Secretary-General's consideration of outsourcing does not seem to take into account the non-monetary benefits of in-house functions, such as the physical proximity of the internal printing facility and distribution system to the conference rooms, which is critical to the timely provision of parliamentary documentation to Member States.

Staff recommendation

78. The Committee may wish to consider reinforcing resolutions 55/232 and 59/289 to require the Secretariat to obtain the approval of the General Assembly for any proposal to outsource or relocate services before it is implemented.

Proposal 22: staff buyout

79. Staff representatives were initially encouraged by the proposal for a staff buyout, as it would mean greater promotion opportunities for those who remained in the Organization. The Union notes from the report of the twenty-seventh session of SMCC that the initial stage of the buyout programme would be voluntary, while the second stage, a "targeted buyout", would be involuntary termination "in response to the Organization's managerial and strategic priorities". In this respect, the purpose of the buyout has changed from a mechanism to improve personnel structure and quality, as prescribed by the 2005 World Summit, to a tool for promoting

outsourcing, relocation and management reform proposals. Staff representatives believe that any forced termination under a targeted buyout should not be contemplated before the actual implementation of the new internal justice system. The staff are also concerned that such a targeted buyout would be against staff rule 109.1(c)(i),[c] which obliges the Organization to retain career staff in preference to non-career staff in the event of a reduction of staff or abolishment of posts.

Staff recommendation

80. The staff would recommend that the Committee support the first stage of the voluntary buyout.

VI. Other human resources issues

Accountability

81. The Staff Union agrees with the findings of the Redesign Panel on the United Nations system of administration of justice that "a large part of the current management culture in the Organization exists because it is not underpinned by accountability. Accountability can be guaranteed only by an independent, professional and efficient internal justice system" (A/61/205, para. 13).

82. The Staff Union notes that a number of measures have been taken by the Secretary-General with a view to establishing a culture of ethics and accountability from top to bottom. These measures include the establishment of the Ethics Office, the promulgation of rules aimed at the protection of whistle-blowers, the establishment of strict guidelines for the acceptance of pro bono services and amending the Staff Regulations to include an article on conflict of interest and financial disclosure statements.

83. Accountability, however, requires more than just amending rules and structures. It has to be underpinned by a robust, independent justice system that has the means to hold all staff members, including the Secretary-General, accountable.

84. The actions taken so far to ensure accountability of managers have been inadequate. In 1997 the General Assembly adopted resolution 51/226, in which it requested the Secretary-General "to issue specific administrative instructions to establish clearly the responsibility and accountability of programme managers for proper use of human resources, as well as sanctions ... for any financial loss suffered by the United Nations as a result of gross negligence, including improper motivation, wilful violation of or reckless disregard for the Staff Regulations and Rules and established policies regulating recruitment, placement and promotion" (sect. II, para. 3). Seven years later the Secretary-General finally issued administrative instruction ST/AI/2004/3, on the financial responsibility of staff

[c] "Except as otherwise expressly provided in subparagraph (ii) b below, if the necessities of service require abolition of a post or reduction of the staff and subject to the availability of suitable posts in which their services can be effectively utilized, staff members with permanent appointments shall be retained in preference to those on all other types of appointments, and staff members with probationary appointments shall be retained in preference to those on fixed-term or indefinite appointments."

members for gross negligence, which, again, was at variance with the intent of the General Assembly resolution.

85. While the General Assembly wanted actions against programme managers whose violations of Staff Regulations and Rules led to significant financial awards from the Administrative Tribunal, that administrative instruction is aimed against all staff in general who allegedly commit financial violations warranting investigations by the Office of Internal Oversight Services and the Comptroller. The need to ensure personal accountability of managers for their personnel decisions, which was so strongly articulated by the General Assembly on a number of occasions, is still ignored by the Secretary-General. Staff rule 112.3 on this subject is not being enforced, even though the Administrative Tribunal indicated a number of cases in which violations by programme managers were so flagrant that they warranted the application of that rule (see examples in A/55/423).

86. In its resolution 59/266 the General Assembly requested the Secretary-General to ensure that well-designed mechanisms of accountability be put in place before delegating authority to programme managers. It is regrettable that, instead, considerable authority, inter alia in the area of recruitment and promotion, has been delegated to managers without attendant measures of managerial accountability and liability in accordance with staff rule 112.3. It is of much concern to staff representatives that, as pointed out in paragraph 14 of General Assembly resolution 59/266, the Secretary-General has not implemented the provisions of resolutions 51/226, 53/221, 55/258 and 57/305 and that he has failed to take disciplinary measures in cases of demonstrated mismanagement of staff and wilful neglect of, or disregard for, established rules and procedures.

Staff recommendations

87. The Committee and the General Assembly may wish to consider requesting the Secretary-General to expedite the work of the Secretariat on specifically defining accountability as well as clear accountability mechanisms in accordance with the provisions of section I of General Assembly resolution 60/260, and to prepare such a definition in consultation with staff representatives.

88. The Committee may also wish to reiterate the General Assembly's request to the Secretary-General contained in the above-mentioned resolutions to issue promptly specific administrative instructions to establish clearly the responsibility and financial liability of managers for flagrant violations of staff regulations and rules in the area of human resources management.

89. The Staff Union recommends that the Committee support the Redesign Panel's report and recommendations on reform of the internal justice system to ensure accountability.

Gender and geographical distribution targets

90. As noted by the General Assembly in its resolution 59/266, progress towards attaining the goal of 50/50 gender distribution in all categories of posts has been slow. The Staff Union is concerned that progress on achieving gender and geographic goals may be further affected by the Secretary-General's reform

proposals, in particular proposals on mobility, recruitment, contractual arrangements and the targeted buyout.

Staff recommendation

91. The Committee may wish to suggest that the Secretary-General revisit the provisions in administrative instruction ST/AI/412, which was abolished, to consider re-enacting some of the binding provisions therein.

Conditions of service

92. United Nations staff members remain deeply concerned over the application of the Noblemaire principle. It is regrettable that the International Civil Service Commission did not include international organizations — major competitors of the United Nations for staff — in its recent study on the Noblemaire principle. In order to be able to recruit and retain professionals of the highest calibre, the Organization has to offer conditions of service comparable to those of the best employers, including among international organizations. United Nations staff members are especially concerned about the widening net remuneration margin between the United Nations and its present comparator, the federal civil service of the United States of America. For many years already the five-year average of the margin has been hovering at the lower end of the range, rather than around the desirable midpoint of 115. The "vision" of the Secretary-General regarding investing in people (A/60/692, paras. 26-31) does not offer any measures to eliminate deficiencies in personnel policies, which have a direct bearing on the competitiveness of the United Nations and its ability, now being constantly eroded, to retain qualified staff.

Staff recommendation

93. The Committee may consider recommending that the net remuneration margin between the United Nations and its comparator be maintained at least at a level around the desirable midpoint of 115 over a five-year period, as recommended by the General Assembly.

Employment of retirees and consultants

94. The Staff Union regrets that the practice of employing retirees has not changed and deplores the ruse of not considering former staff members who have taken a buyout as retirees. It reiterates its position on this subject expressed in document A/C.5/59/4, paragraphs 65 to 71. It is even more worrisome that retirees are still recruited to fill vacant positions with managerial responsibilities, where they have decision-making powers in personnel matters.

Staff recommendation

95. The use of consultants should be minimized in view of the fact that there are staff members who would be eager to pursue new types of training to acquire special skills for which consultancy funds are now being utilized.

Pension matters

96. For over a year now, the staff and retirees have been anxious about the proposed changes by the Secretary-General in the investment policy of the United Nations Joint Staff Pension Fund. Those changes, from active to passive management of the North American equity portfolio (which is worth about $8.7 billion, almost one quarter of the Pension Fund) were approved by the United Nations Joint Staff Pension Board at its fifty-third session, which was held in Nairobi in July 2006, in spite of the objections of the representatives of the staff and retirees.

97. The Staff Union is very concerned that even before the General Assembly considers the recommendations of the United Nations Joint Staff Pension Board, the implementation of the Secretary-General's proposals is under way. The Staff Union questions the haste with which the implementation of the proposed changes is being done, moreover in an uncompetitive process, and the hidden transition costs. If the Pension Fund were to become bankrupt, Member States would be obliged to make it viable again and/or staff members would face either reduced benefits or increased contributions.

98. The Secretary-General has ignored the Staff Union's request for more coherent information on the proposed changes in the investment strategy of the Fund and a thorough business model that would guide the execution of the proposed changes.

Staff recommendations

99. The Committee may wish to recommend that the implementation of the proposed changes be deferred until (a) a comprehensive business plan is tabled, (b) the ongoing asset-liability-management study is completed, (c) the General Assembly considers and pronounces itself on the matter and (d) that such implementation be considered after the additional investment officers and the chief risk and compliance officer are recruited.

100. The Committee may also consider requesting the Secretary-General (a) to suspend immediately any action on the indexation and passive management of the North American equity portfolio and (b) to appoint before the end of 2006 a Board of Trustees, composed of a limited number of Controllers of the United Nations, other member organizations and the chief executive officer of the Fund, as the Secretary-General's representative for the investments of the Pension Fund and in charge of the Investment Management Service of the Fund.

101. The Staff Union welcomes the United Nations Joint Staff Pension Board recommendation, at its fifty-third session, that the one-year limitation on the right to restoration of previous service be eliminated for existing and future participants. The Committee may consider approving this measure, which will allow staff members who for any reason were given back all of their pension entitlements to restore previous contributory service by making an appropriate contribution to the Pension Fund and, thus, increase the length of their contributory service.

102. Staff representatives request the General Assembly to approve the recommendation of the United Nations Joint Staff Pension Board regarding the elimination of the limitation on the right to restoration of previous service.

VII. Conclusion

103. While a number of the reform proposals set forth in the Secretary-General's report "Investing in the United Nations: for a stronger Organization worldwide" (A/60/692 and Corr.1) are positive, in the view of the staff the reforms cannot be successfully implemented unless there is a robust and independent internal justice system in place. **The Committee may therefore wish to take into account the views and recommendations of the staff in considering the Secretary-General's reform initiative.**